

GENEALOGICAL HISTORY

OF

THE STEWARTS.

OF THE GEOLOGICAL HISTORY

THE STRATA

18th

GENEALOGICAL HISTORY

OF

THE STEWARTS,

FROM THE EARLIEST PERIOD OF THEIR AUTHENTIC HISTORY
TO THE PRESENT TIMES.

Containing

A particular Account of the ORIGIN and SUCCESSIVE GENERATIONS of
the *STUARTS* of DARNLEY, LENNOX, and AUBIGNY, and of the
STUARTS of CASTELMILK; with PROOFS and REFERENCES;

AN

APPENDIX OF RELATIVE PAPERS;

AND

A SUPPLEMENT,

Containing COPIES of various DISPENSATIONS found in the Vatican at Rome,
in the Course of a Search made by the Author in the Year 1789; particularly
Copies of Two *very interesting* DISPENSATIONS which had long been sought for
in vain, relating to ROBERT the STEWART of SCOTLAND (King ROBERT II.) his
much contested Marriages with ELIZABETH MORE and EUPHEMIA ROSS.

TO WHICH IS PREFIXED

A GENEALOGICAL TABLE RELATIVE TO THE HISTORY.

By ANDREW STUART, Esq. M.P.

LONDON:

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IN THE STRAND.

1798.

Jos: Banks

P R E F A C E.

IT is so well known in various quarters, that much of my time and attention has been employed for many years past in collecting and arranging the materials from which the following Genealogical History has been composed, that there is little hazard of my being subject to the imputation of having finished the work too hastily; or of having proceeded with too much rapidity in the researches and inquiries necessary for acquiring sufficient information. But there is a criticism of a different tendency against which I am not so secure; some of my friends may be disposed to think that I stand in need of an apology for having bestowed so much time and labor on a work of this nature. Some of them indeed have insinuated, that the large portion of time and labor bestowed on this work might have been employed to better purpose, either by my engaging in some active pursuit of business, public or private; or by my making choice of a subject more connected with the general interests of society, and more likely to be interesting to an extensive circle of readers.

Considering myself as thus put on my defence, I must try what can be said in justification of the choice of the subject, and of the time and attention which have been dedicated to it.

Having passed many years of my life in business that required much unremitting attention, and which produced too much anxiety;

I was sensible that any occupations attended with similar anxieties, and likely to keep the mind too much upon the stretch, ought to be avoided during the remainder of my life. On this subject I recollected an admonition of Sir William Temple's, which had probably been suggested to him by his own experience: it is in his *Miscellanea*, and is in these words: "When after much working, one's head is very well settled, the best is not to set it a-working again." In support of this advice, he adds the following observation: "The more and longer the head has worked at first, perhaps the finer and stronger; but every new working does but trouble and weaken it."

Whether the reason thus given for the admonition be well or ill founded, I shall not pretend to judge; but I felt in myself a great disposition to adopt the salutary advice proceeding from the respectable authority of Sir William Temple, who in the course of his life had been employed in many important and responsible situations; and who, besides being a man of much just observation, and of a philosophical turn of mind, had, in his own case, much experience of the anxieties belonging to certain situations of real business, and of their consequences.

At the same time it has long been a settled opinion with me, that no man whatever is entitled to pass his life in idleness, indolence, or inactivity; and that the employment of time in some useful business or pursuit which gives exercise to the faculties, affords more satisfaction and even relaxation to the mind, and certainly contributes much more to the happiness of the individual, than the abstaining from all manner of serious occupation.

With these impressions, the only thing left for me, was to select some proper object that might occupy my attention, without creating too much anxiety; in short, to discover something that, without being real business, might bear such a resemblance to it as to require a discriminating eye to discern the difference.—The work
about

about which I have been engaged will be found to answer this description in all points. For histories, of the nature of that now given to the public, afford an agreeable occupation, by having for their object the discovery of truth, and the correction of error: in the pursuit of such objects, the attention must be employed, as in real business, in canvassing the truth or falsehood of asserted facts according to the laws and rules of evidence; so as that every proposition or assertion intended to stand as a part of the history may be brought to the test of a strict examination.

To discover truth, and to detect error, is, of itself, a proper object at all times, and affords a pleasing employment to the mind, without being attended with those anxieties which are incident to that species of real business, where the individual interests of parties may happen to be deeply concerned.

These reasons occurred in favor of the choice of the subject. At the same time, I must acknowledge that there were some accidental circumstances which contributed, not less than any deliberate choice, to the employment of my time and attention in the manner they have been much employed for many years past.

In the year 1787, I happened to pay a visit at Castelmilk to my near relations and particular friends, Sir John and Lady Stuart. The conversation turned upon the strange indolence or want of curiosity which so pervaded many families, that no pains had been taken to learn any thing concerning the ancestors from whom they had derived their existence, neglecting to be informed either as to what sort of persons they had been, or what characters they had enjoyed; and in frequent ignorance even of the names and other particulars concerning them. We agreed in opinion that these observations were applicable to the Castelmilk family as much as to any other; for that there was not any tolerable Genealogical History of them, nor even any accurate account of the names of the successive representatives; this negligence seemed to be a reproach upon every individual

individual belonging to the family. It was observed, that the only excuse given for it was, a traditional report, that Queen Mary having slept in the house of Castelmilk about the time of the battle of Langside fought in that neighbourhood, the party adverse to the Queen came there in a day or two thereafter, set fire to the house, demolished part of it, and burnt or destroyed the papers belonging to the family.

This was the reason given by Sir John Stuart to Sir Robert Douglas, who, when composing his Baronetage of Scotland, had, through me, applied for access to the family papers at Castelmilk, or for information from them concerning the Genealogical History of the family. Sir John Stuart at that time declined making any search for old papers, being persuaded they had all been burnt or destroyed in the time of the civil dissensions in Scotland about two hundred years ago.

In this conversation Lady Stuart desired me to attend to the information she had now to give to me : she said it was very true Sir John Stuart her uncle had often said, and believed, that all the old papers belonging to the Castelmilk family had been burnt or destroyed in Queen Mary's time ; but that it now appeared this was a mistake, for that since his death she had discovered in the house of Castelmilk a great collection of old papers and parchments which she was impatient to communicate to me, that we might unite in our efforts for tracing the history of the family from authentic materials.

Upon this occasion Lady Stuart mentioned a report she had lately heard, that Lord Galloway had applied to me for my assistance in tracing the history of his family from the most remote times, and that I was giving him every aid in my power for placing him at the head of all the Stewarts. In mentioning this report, she, with her usual pleasantry and good humour, reproached me as an unworthy Cadet of the Castelmilk family, by thus taking part with any competitor contrary to the allegiance I owed to my real chief, Sir John Stuart, her husband.

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I acknowledged that Lord Galloway had applied to me, and that I had told his Lordship I should be very ready to assist him in tracing the history of his family, and in discovering the truth; but that any assistance I could give would be of little consequence, as I had not yet acquired a competent knowledge of facts to found an opinion upon, which opinion must depend on the evidence yet to be discovered. In answer to Lady Stuart's charge against me for taking part against my real chief, I defended myself by saying, that I had understood that the Castelmilk family was out of the question, as they, according to their own account, had no old papers to produce; and without proper materials, it was impossible to say any thing in their favor: on the other hand, that I had been accustomed to believe, because I had often heard it asserted, that Lord Galloway's family had the best pretensions to be at the head of the Stewarts after Cardinal York's death, though as yet I was ignorant of the particulars.

Lady Stuart then produced to me a bundle of old papers and charters as a specimen of what she had discovered. In that bundle I found an original charter, which had been granted near four hundred years ago by Archibald Earl of Douglas in favor of John de Park, to which *Sir William Stewart*, described of *Castelmilk*, and as *cousin to the Earl of Douglas*, was one of the witnesses.

In the same bundle there were many other ancient charters and title-deeds, and particularly a charter and precept of *clare constat* which had been granted in the year 1579 by Robert Earl of Lennox as the Superior, in favor of Archibald Stuart of Castelmilk as the vassal in the lands of Castelmilk; in which title-deeds the Earl of Lennox describes Archibald Stuart as his beloved cousin.

From these and other material papers in the collection thus produced by Lady Stuart, I soon perceived that they would be of very essential service in tracing the history of the Castelmilk family. We therefore agreed to unite our efforts from

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that moment for tracing their history from the authentic materials in their possession, and from such others as could be discovered in private repositories and in the Public Records; that being the only means for obtaining an accurate Genealogical History.

Tom. viii.
p. 58, 59.

We knew from Rymer's *Fœdera*, that in a Convention held at Lochmaban on the 6th of November 1398, between commissioners on the part of England and of Scotland, in consequence of a truce then subsisting between the two kingdoms, certain articles respecting the Western Marches were agreed upon; for the fulfilling of which on the part of Scotland, *Sir William Stewart of Castel-mylke, Knight*, was one of the sureties. As near four hundred years had elapsed since that time, it was agreed that our first object should be to ascertain the successive generations of the Castelmilk family from the year 1398 to the present times. In consequence of this resolution, much research and much epistolary correspondence took place during several years subsequent to the year 1787; particularly much epistolary correspondence with Lady Stuart, which served to encourage me exceedingly in the prosecution of this business; for she has the happy talent of making every subject interesting on which she writes. Her letters contained many useful suggestions and observations proceeding from that soundness of judgment for which she is so much distinguished; and it was owing to her industry in discovering where old papers were to be found, and to the proper applications made by her for the communication of them, that I obtained access to ancient writings and documents in the possession of various individuals, which in the course of the investigation turned out to be very serviceable in connecting the proofs.

After having accomplished this first object of our investigations, it remained to discover the ancestors of the first Sir William Stuart of Castelmilk. This led me into a much wider field; for it necessarily produced the investigation of what related to the Stuarts of Derneley, Lennox, and Aubigny.

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I read every book I could find on the subject, and made many searches in the Public Repositories of Records, and elsewhere; the result of which was, a conviction that nothing could be more imperfect and inaccurate, and in many respects erroneous, than the general run of the Genealogical Histories of these families.

This gave me a desire to have those errors corrected; and my zeal on this point was much increased from being made acquainted with the characters and actions of some of the distinguished members of the families of Derneley, Lennox, and Aubigny; which, I found, had, in remote times, and in the course of many successive generations, produced some very great men, whose names and actions ought not to sink into oblivion.

When entering upon this wide field of investigation, I was not at all aware of the extent of the researches, and of the time and labor it was to cost me; but having embarked I was resolved to persist in it till brought to a conclusion, if the state of my health could admit of it.

In this resolution I was the more confirmed, from reflecting that I had then the command of my time much more than had ever fallen to my lot at any former period of my life; and having formed the resolution of passing a year or two in France and in Italy, I determined to take that opportunity of making searches in the records, and in the public or private collections of those countries, which might afford much authentic information relating to the Stuarts of Derneley and Aubigny, particularly to those members of the family who had distinguished themselves in the wars in France and in Italy; and accordingly it will appear in the course of the following work, that the result of the searches made in the records in France fully answered my expectations.—All these circumstances made me feel it to be more particularly incumbent on me to pursue this undertaking; persuaded, that if with such advantages this oppor-

tunity was lost, it was most probable that nothing of the same kind would ever be undertaken by any other person.

If Genealogical Histories can pretend to any merit, it must consist in their accuracy, for without that recommendation they would not only be void of any merit, but become even reprehensible from their tendency to mislead; my chief object, therefore, has been accuracy, and to this having sacrificed much time and attention, I must acknowledge that it has been an unfortunate employment of both if I have failed in that object.

It will not be reckoned presumptuous to say, that I am not conscious of any inaccuracies or errors in the state of facts given in these sheets; for had I been sensible of any, I certainly should not have allowed them to remain, but should instantly have corrected them, as it was my duty to do: but though not conscious of them myself, yet, in a work of this extent, errors and inaccuracies may be discovered by others, notwithstanding all the pains I have taken to avoid them: if there are such, I shall reckon myself much obliged to those who will point them out to me, that I may take the very first opportunity of having them corrected.

I must now beg leave to express my grateful acknowledgments to those Noblemen and Gentlemen who, either at the request of Sir John and Lady Stuart, or at my own request, were pleased to give me communication of their ancient papers and documents, for the purpose of assisting in the investigation of facts, and for ascertaining the truth. No one ever met with more liberality and frankness in these respects than I have experienced in the course of this undertaking: no person having refused the papers in his possession, upon being informed of the object of the request.

The perusal of this Genealogical History will shew the extent of the obligations of this sort which have been conferred by some persons

persons of the highest rank and property in Scotland, whose family archives supplied many of the material proofs therein referred to: particularly it will appear how much the Public, as well as Sir John and Lady Stuart and myself were indebted to the Duke of Montrose for the communication of the Derneley papers in his Grace's possession, which had come to his family in consequence of the acquisition made by his ancestors of great part of the property which had formerly belonged to the Stuarts of Derneley and Lennox.

The contents of the following Work will also shew the obligations conferred by similar communications from the papers belonging to the Dukes of Hamilton and Queensberry, the Earl of Glasgow, the Earl of Hopetoun, Lord Cathcart, Sir John Maxwell of Pollock, Mr. Carruthers of Holmends, the representatives of General Lockhart of Carnwath, Mr. Murray of Broughton, and others of whom mention is made in those parts of the History where the utility of the papers communicated is pointed out.

I am therefore obliged to acknowledge, that if any facts remain unexplained, or not sufficiently proved, I shall not be entitled to the excuse of the proofs being withheld from me by those to whose possession they had been traced; but must impute it to my not having yet discovered in whose possession these papers might be found; for such is the liberality which prevails in this Island, for giving every useful information in matters of this sort, that I am satisfied the most ready access would be given in all quarters to every paper or proof that could be specified as likely to be of use.

There is also great reason to be persuaded that the publication and perusal of this Genealogical History may suggest many additional researches, and induce many proprietors of estates which formerly belonged to or were connected with the Derneley family, to make diligent search among their papers for any that may be of use relative to these matters: the consequence of which would be,

the bringing to light some material papers from the repositories where they now lie concealed, and where they are at present most probably unknown even to the proprietors and possessors of them. I shall always be ready to communicate to the Public such additional pieces of evidence as may come to my knowledge, whether favorable or unfavorable to any conjectures that have been offered on my part in the course of this Work. It will, however, be found, that the number of these conjectures is confined within a very narrow compass; and where any thing is stated merely as a conjecture, subject to future inquiry or future discoveries, the distinction is usually made.

It remains now only to say a few words concerning the arrangement of the matters contained in this Genealogical History.

In order to avoid confusion in a work which embraces a period of between six and seven hundred years, and which, from the extent of the matters treated of, and the multiplicity of the proofs or articles of evidence, stands in need of every aid that can be derived from order and arrangement, it has been thought proper to divide the whole into Seven Parts, whereof the First comprehends the period from Walter the High Stewart, who lived in the twelfth century, to the time when his descendants became Kings of Scotland in the fourteenth century. In a similar manner, the other Six Parts comprehend each of them a considerable portion of time; which is subdivided according to the respective Generations of the family; stating separately each Generation, and the members of it; applying to each the evidence relating to them, and referring to the original papers themselves, the Public Records of the country, or the charter-chests of individuals, where these articles of evidence are to be found.

By

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By this arrangement it will be very easy for every person who wishes to examine accurately and in the strictest manner the various articles of the Pedigrees and Genealogical History, and the proofs of them, to form his judgment, not only on the total amount and final result of the evidence, but likewise on all the intermediate branches and each article thereof, as every article is accompanied with the statement of the proofs which tend to establish it. And for assisting the reader in this examination, there is on a separate sheet a Genealogical Table, where the several Generations since the first Stewart of Scotland, with whom this History begins, are placed in their order, corresponding with the arrangement observed in the following work.

LOWER GROSVENOR-STREET,
March 1798.

CON-

By this arrangement it will be very easy for every person who
wishes to examine accounts and the various
articles of the business and the
of them, to find the
final result of the evidence, and the
branches and each article is
the statement of the proof, which is
ing, as shown in the
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well, and the arrangement which is in the

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I am, Sir,
Yours,
J. B. B.

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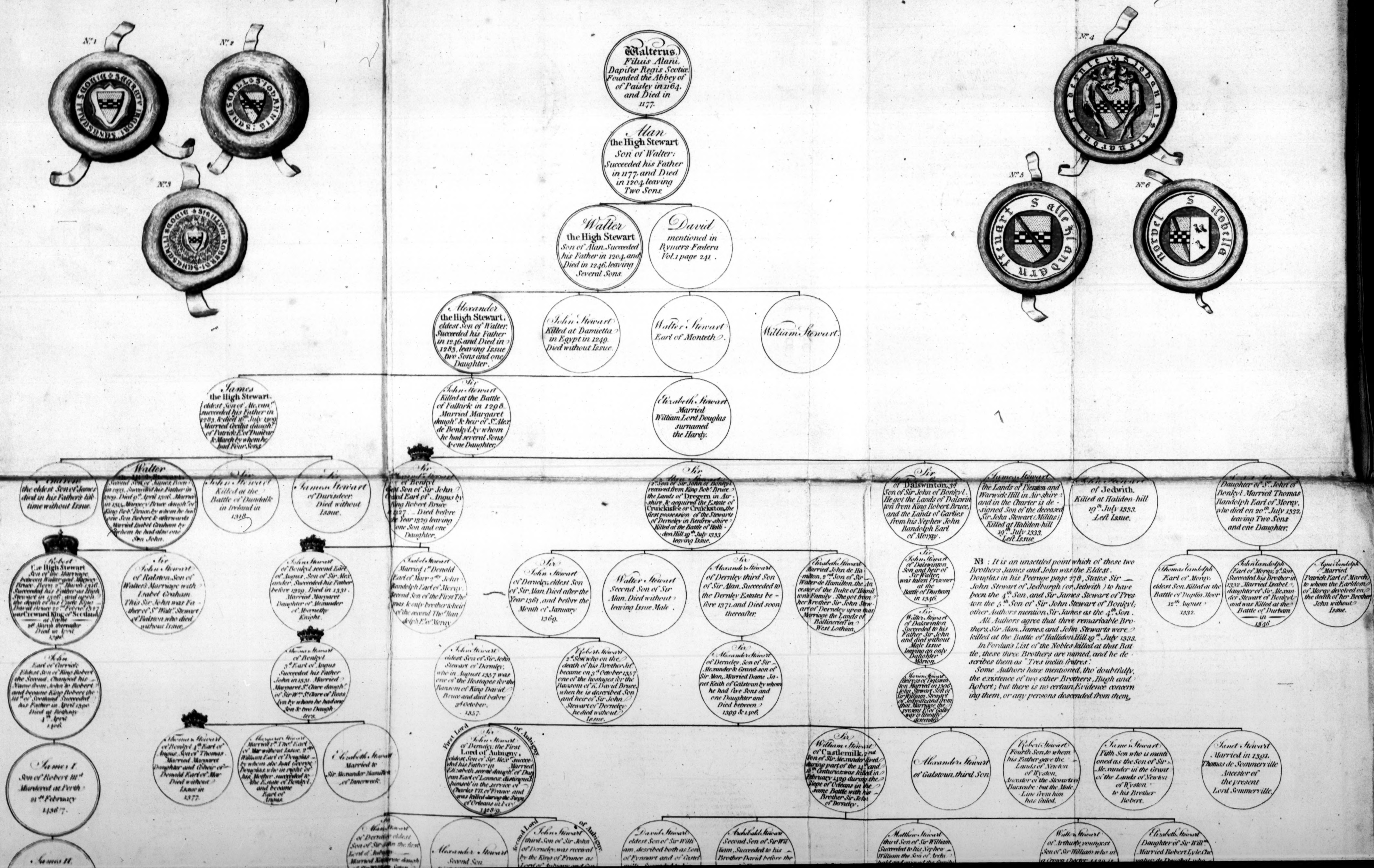
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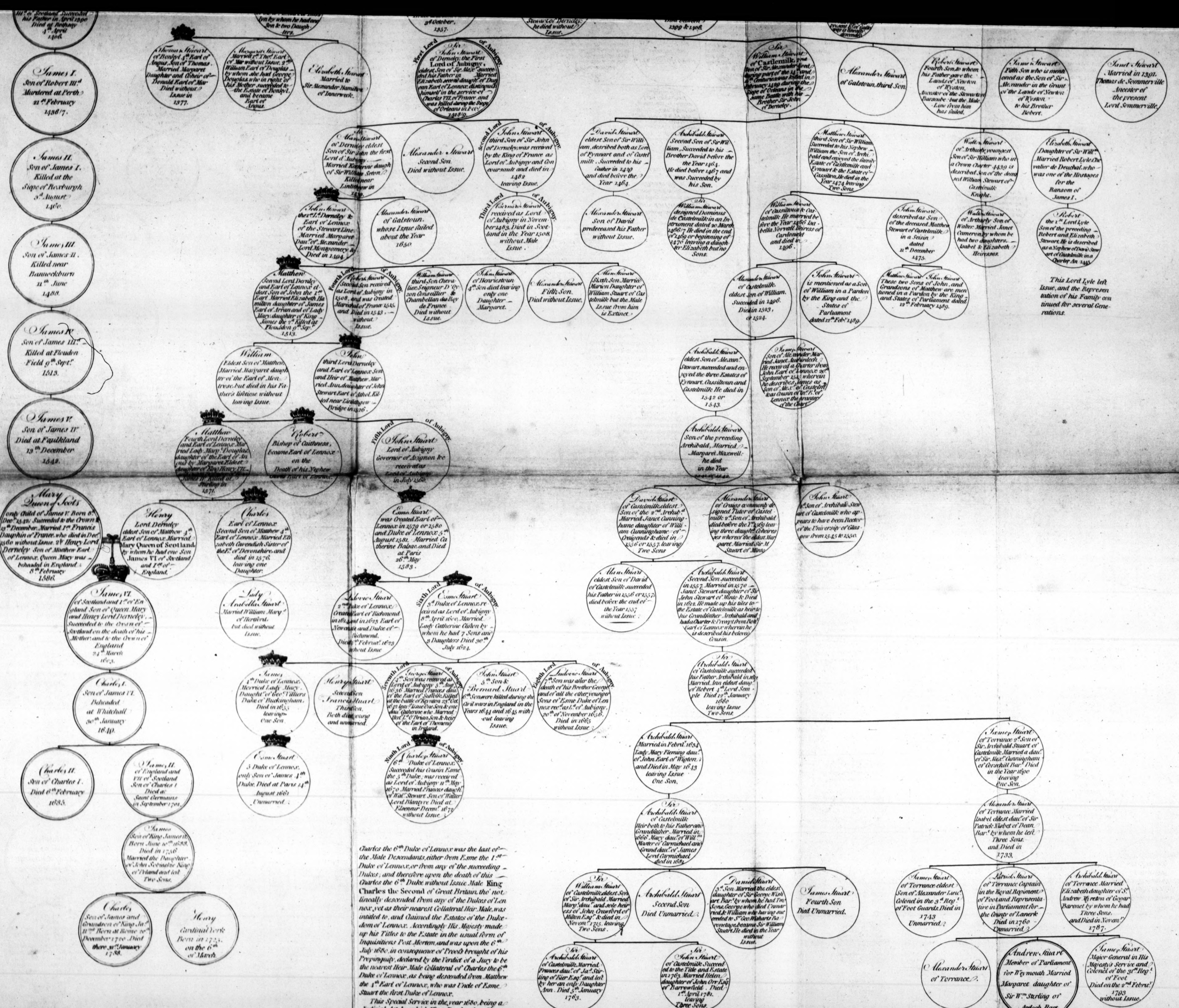
SUPPLEMENT;

Containing Copies of various Dispensations found in the Vatican at Rome, in the Course of a Search made in the Year 1789; particularly Copies of two very interesting Dispensations, which had long been sought for in vain, relating to Robert the Stewart of Scotland (King Robert II.), his much-contested Marriages with Elizabeth More and Euphemia Ross, - - -	403-468
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GENEA-

and likewise in the Line of the **Stuarts** of **DERNELEY, LENNOX & AUBIGNY**, with the nearest Collateral Branches of that Family.





Explanation of the Seals.

N^o 1 & 2 are the Seals of James the High Stewart of Scotland and his Brother Sir John Stewart of Bonyth, in 1568, from Deeds in the Chancery House Westminster. Vide Gen. Hist. p. 45.
N^o 3 is the Seal of Robert the High Stewart taken from a Deed also in the Chancery House.
N^o 4 The Seal of Sir John Stewart of Derriery in the year 1458, appended to a Deed in the Prisoner's Chancery at Perth. Vide Gen. Hist. page 123.
N^o 5 & 6 The Seals of Alexander Stewart of Castlemilk and his Mother Isabella Stewart. Vide Gen. Hist. p. 361.

The above Genealogical Table drawn up in January 1794, was relative to the State then Printed and Circulated under the following Title "State of the Evidence for proving that the present Sir John Stuart of Castlemilk is the lineal Heir Male and Representative of Sir William Stuart of Castlemilk who lived during part of the 14th & 15th Centuries."
Since the time when the preceding Table was drawn up, Alexander Stuart of Terrance died on 25th March 1796, whereupon Andrew Stuart, his immediate younger Brother, succeeded to the Estate of Terrance: & the above ment^d Sir John Stuart of Castlemilk having died on the 18th of January 1797 without Issue, the said Andrew Stuart has succeeded also to the Estate of Castlemilk, being the nearest Heir Male of the said Sir John Stuart his Cousin: Consequently he succeeds to the same right which was claimed by the said Sir John Stuart of being the Heir Male and Representative of the first Sir William Stuart of Castlemilk.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

VARIOUS Historians and Genealogical Writers, in tracing the Pedigree of the **HIGH STEWARTS** of Scotland, have deduced them from **BANCHO**, Thane of Lochaber, thus :

I. **BANCHO**, Thane of Lochaber, who flourished in King Duncan's reign, and was murdered by Macbeath in the year 1043.

II. **FLEANCE**, son of Bancho, who, it is said, married Nesta daughter of Griffith ap Lewellin, Prince of Wales, and was murdered by some ruffians in Wales, in the year 1045 or 1047.

III. **WALTER**, son of Fleance, who, being obliged to leave Wales, retired to the Saxon court of Edward the Confessor, where, it is alledged that, having quarrelled with a courtier, he withdrew to the court of Alan Earl of Brittany, a remote relation of his mother: That there this Walter married a daughter of this Earl of Brittany, and accompanied him to the battle of Hastings in the year 1066.—That falling into disgrace at William the Conqueror's court, he withdrew to Scotland, his paternal country, and was well received by King Malcolm III.—That he was made **DAPIFER DOMINI REGIS**, in reward of his services to Malcolm, and died about the year 1093.

IV. **ALAN**, son of the preceding Walter. This Alan is said to have gone to the Holy War with Godfrey of Bouillon, and to have been at the taking of Jerusalem, anno 1099: That he returned home in the reign of King Edgar, and was made

B

Lord

Lord High Stewart of Scotland: That he died about the year 1153.

V. WALTER, the second of that name, son of the preceding Alan. This second Walter is witness to many charters in the time of David the First, under the description of *Walterus filius Alani*.

There is no manner of doubt concerning the existence or authenticity of this WALTER the HIGH STEWART last above-mentioned; but there is great reason to suspect the truth of the four generations preceding him as above-stated; for notwithstanding the particular account given by the Scottish Historians and Writers of Pedigrees concerning *Bancho, Fleance, Walter the First, and Alan, the son of that Walter*, there is no satisfactory authority hitherto discovered concerning any of them. The evidence relating to these four generations has been justly criticised and rejected by Sir David Dalrymple in his Annals, vol. i. p. 358; while at the same time Sir David acknowledges, that Walter, who lived in the twelfth century, in the reigns of David I. and Malcolm IV., and who founded the Abbey of Paisley in 1164, was *indeed* Stewart of Scotland.

Rejecting, therefore, all the fabulous stories about the ancestors of this Walter the High Stewart, until some authentic instrument shall be found for discovering who were his real ancestors; the following Genealogical History begins with Walter, who lived in the twelfth century, and who is universally acknowledged to have been the real Stewart of Scotland.

The observations drawn up by Sir David Dalrymple on the origin of the House of Stewart, conclude with the following just remark: that "In the reign of David the First, before the middle of the twelfth century, the family of the Stewarts was opulent and powerful; it may, therefore, have subsisted for many ages previous to that time, but when and what was its commencement, we cannot determine."

PART FIRST.

Comprehending the Period from WALTER the HIGH STEWART, who lived in the Twelfth Century, to the Time when the Descendants from him became KINGS of SCOTLAND, in the Fourteenth Century.

FIRST GENERATION.

WALTERUS, FILIUS ALANI SANESCHALLUS *vel*
DAPIFER REGIS SCOTIÆ.

He founded the Abbey of Paisley in 1164, and died in the year 1177.

PROOFS *concerning* WALTERUS, FILIUS ALANI.

THERE are still extant many deeds and charters of the PART
I.
Nº I.
Kings of Scotland, in which *Walterus, filius Alani*, so described, is one of the witnesses; particularly there are in the Scotch College at Paris, amongst the papers which formerly belonged to the Bishopric of Glasgow, the following charters:

Charter by King David I. in favour of the Church of Glasgow, dated at Cadzow, without mentioning the year, the witnesses to which are, "Willielmus Cuming, Cancellarius; Hugo de Morevilla; "Ferg. de Galweia; Hugh Breton; *Walterus, filius Alani*," &c.

Other two charters by King David to St. Mungo's Church at Glasgow, wherein *Walterus, filius Alani*, is also witness.

Though these charters have no precise date, yet they must necessarily have been granted between April 1124, and 24th May 1153, being the period of King David's reign.

PART
I.
N° I.

There is also in the Scotch College at Paris, a charter by Henricus Comes, son of King David I. in favour of the Church of St. John, of the Castle of Roxburgh; which charter is granted at Traquair, without specifying the date; and amongst the witnesses to Henry's granting it, there is *Walterus, filius Alani*, so described. The other witnesses to this charter are, Comes Gospatricius, Willielmus de Riddale, &c.

N. B. As Henry pre-deceased his father David, having died in June 1152, this charter must have been granted before that period.

There are two charters in the Scotch College at Paris granted by King Malcolm the IVth, (whose reign began in 1153, and ended in 1163,) to which charters *Walterus, filius Alani* is witness; but in both these charters he is designed *Dapifer*, though not so designed in the said charters by King David and Prince Henry. One of these charters is dated at Jedworth; the first witness named in it is the Cancellarius, and the witness named immediately after him is *Walterus, filius Alani, Dapifer*.

There is also a charter by Ricardus de Moreville, Constabularius Regni Scotiæ, in which the first witness is *Walterus, filius Alani, Dapifer*. There is no date to the charter, but from the contents, it appears that it was to take place from Pentecost 1170, and to continue for fifteen years.

King Malcolm the IVth, in the fifth year of his reign, which began on the 24th of May 1153, granted a charter in favor of Walter, the son of Alan, confirming the grant which he had received from King David, grandfather of Malcolm, of certain lands in the shire of Renfrew, and also confirming the grant he had received from King David of the Stewartry. As this is the oldest charter that can now be traced on that subject, an exact copy of it is here inserted.

“ Malcolmus Rex Scottorum, Episcopis, Abbatibus, Comitibus,
“ Baronibus, Justiciis, Vicecomitibus, Prepositis Ministris; cunc-
“ tisque

“ tisque aliis probis hominibus Clericis et Laicis Francis & Anglis
“ Scotis & Gallowidensibus totius terre sue tam presentibus quam
“ futuris salutem notum sit vobis omnibus quod priusquam arma
“ suscepi concessi et hac mea carta confirmavi *Waltero filio Alani*
“ *Dapifero meo*, & heredibus suis in feodo & hereditate donationem
“ quam Rex David avus meus ei dedit scilicet Renfrew et Passeleth
“ et Polloc et Talahec et Kerkert et Le Drep et le Mutrene, et
“ Eglisbam et Lauchinauche et Innerwick cum omnibus istarum
“ pertinentiis et similiter ei hereditarie dedi et hac mea carta con-
“ firmavi Senescalliam meam tenendam sibi et heredibus suis de me
“ & heredibus meis liberaliter in feodo et hereditate ita bene
“ et ita plenarie *Sicut Rex David ei Senescalliam suam melius et*
“ *plenius dedit et concessit*, et sic ipse eam melius et plenarius
“ ab eo tenuit; preterea ego ipse eidem Valtero in feodo et here-
“ ditate dedi et hac eadem carta confirmavi *pro servitio quod ipse*
“ *Regi David et mihi ipsi fecit*, Prethe quantum Rex David in
“ manu sua tenuit et Inchenan et Stemtum et Halestonesdene et
“ Legardsuade et Birchinsyde et preterea in unoquoque Burgo meo
“ et in unaquaque dominica Gista per totam terram meam
“ unum plenarium Toftaim ad hospitia sibi in eo facienda et
“ cum unoquoque Tofto viginti acras terre, quare volo et pre-
“ cipio ut idem Valterus & heredis suus in feodo et hereditate
“ teneant de me et heredibus meis in capite omnia prenomi-
“ nata tam illa que ipse habet ex donatione Regis David quam
“ illa que ex mea habet donatione cum omnibus eorum pertinentiis
“ & rectitudinibus & per rectas divisas omnium prenominatorum
“ terrarum libere & quiete honorifice & in pace cum sacca & focca
“ cum tol et them & infangtheeffe in villis in scallingis in campis
“ in pratis in pascuis in moris in aquis in molendinis in piscariis
“ in forrestis in bosco et plano in viis in semitis sicut aliquis ex
“ Baronibus meis liberius & quietius feudum suum de me tenet
“ faciendo mihi & heredibus meis de illo feudo servitium quinque
“ militum.

PART
I.
Nº I.

PART
I.
Nº I.

“ militum. Testibus Ernesto Episcopo Sancti Andreae, Herberto
“ Episcopo de Glasgow, Johane Abbate de Kelkow, Willielmo
“ Abbate de Melros, Waltero Cancellario, Willielmo & David
“ fratribus Regis, Comite Gospatrick, Comite Duncano, Richardo
“ de Morweill, Gilberto de Wmphraweill, Roberto de Bruis,
“ Radolpho de Soulis, Philipo de Colveille, Willielmo de Sumer-
“ villa, Hugone Riddell, Davide Olifard, Valdeno filio Comitis
“ Gospatrick, Willielmo de Morweill, Baldwino de la Mar, Liolfo
“ filio Maccus, &c. Apud Arcem de Roxburgh in festo St.
“ Johannis Baptistæ, Anno Regni nostri 5^{to} *.”

George Crawford, in his History of the Stewarts, page 3, says, that Walter, High Stewart of Scotland, founded the Monastery of Paisley in the year of our Lord 1160, the 7th year of the reign of King Malcolm the IVth; and in pages 3 and 4, Mr. Crawford gives a complete copy of the charter of foundation, which, he says, he transcribed from the register of the Paisley Monastery, communicated to him by John Earl of Dundonald.

The introductory part of that charter of foundation is in these words: “ Sciant præsentēs et futuri quod ego *Walterus filius Alani*
“ *Dapifer Regis Scotiæ*, pro anima Regis David, Regis Henrici et
“ *Comitis Henrici*, necnon pro salute corporis et animæ Regis
“ Malcolmi, et mei ipsius, et uxoris meæ, et hæredum meorum,
“ etiam pro animabus omnium parentum et benefactorum meorum,
“ ad honorem Dei et Beatæ Virginis Mariæ, constitutam quandam
“ domum Religionis infra terram meam de Pafelet (ordinis fratrum
“ de Wenlock), viz. Secundum ordinem Cluniacensem communi

* The above charter is accurately copied from a manuscript in the Harleian collection at the British Museum, N^{os} 4693, 4694, and 4697, consisting of three Parts, whereof Part First, containing 49 folios, is described to be in the hand-writing of Sir James Balfour, and on folio 45 of that manuscript, the above charter is inserted at full length, where it also appears, (folio 44,) that this, and some other charters in that book, had been taken from a manuscript of the hand-writing of Sir John Skene, Clerk-Register of Scotland, who had copied them from the originals.

" consensu conventus de Wenlock, et ad domum illam construendam habeo de domo de Wenlock tredecem fratres et prior qui de illis tredecem procedere. Domum regendæ perficiatur per me et per meum concilium elegatur *," &c.

PART
I.
Nº I.

There are seventeen witnesses to this charter of foundation, but no date. In the course of the charter mention is made of Alan the son of the granter of the charter.

Sir David Dalrymple in his *Annals of Scotland*, vol. i. p. 298, has the following paragraph at the date of the year 1164:

" Walter, the Stewart of Scotland, founded (in the year 1164) an abbey at Paisley in the shire of Renfrew, for the monks of Clugny; a remarkable monument of his opulence and liberality.— He died in 1177."

Spottiswoode's
Religious
Houses, v. viii.
p. 1.
Chron.
Melros, 174.

In the *Chronicle of Melros* there is the following article: " Anno Domini 1177, obiit Walterus, filius Alani, Dapifer Regis Scotiæ, qui fundavit Passeito, cujus beata anima vivit in gloria."

* In the Appendix subjoined to an *Essay on the Origin of the Royal Family of the Stewarts*, by Richard Hay of Drumboote, published in the year 1722, there are two charters; the one, a charter granted by Walterus, filius Alani, in relation to his foundation of the monastery of Paisley, by which he promises, that in consideration of certain liberties to be obtained for the proposed monastery of Paisley by the prior and convent of Wenlock, from the abbot of the monks of Clugny, he the said Walter son of Alan shall give to the said house of Wenlock, in perpetuam eleemosinam unam plenariam maysuram in burgo meo de Renfrew et unum rete piscatorium ad salmone capiendos per proprias aquas meas et sex retia ad allecia capienda et unum batellum.

To this charter, dated at Fodrigeam, one of the witnesses is Simon, brother of Walter the son of Alan.

The other charter in the said Appendix, is a charter granted by Eschina, wife of Walterus, filius Alani, Dapifer Regis Scotiæ, by which she gives to the prior and monks of Paisley, for the souls of the several persons therein named, one carucat of land in Moll, and the pasturage of five hundred sheep, &c.

Amongst the witnesses to this grant there is her husband Walterus filius Alani, described, Dominus Meus, and Alanus filius ejus.

SECOND GENERATION.

ALAN, Son and Heir of the preceding WALTER
the HIGH STEWART.

This ALAN succeeded to his Father WALTER in 1177, and
died in the year 1204.

PROOFS *relating to* ALAN.

PART
I.
Nº II.

TWO charters, at the Scotch College at Paris, granted by King William the Lion, to which one of the witnesses is Alanus, Dapifer.

Charter by King William the Lion, confirming an agreement between the Bishop of Glasgow and Robert de Brus, concerning certain lands and churches in Annandale; which charter of confirmation is dated at Lanerk, and one of the witnesses to it is Alanus, Dapifer.

Convention or agreement between the Bishop of Glasgow and Roger de Vallens, concerning the Church of Kilbride, to which the witnesses are: "Hiis testibus Domino Rege, Comite Patricio, Roberto Capellano, Hug. Clerico, Ric. de Moreville, Const. Regis; Alano, Dapifero Regis; Philippo de Vallen; Adam filio Gilberti, Waltero de Berkeley Cam. Regis."

Charter by King William, confirming the above agreement, to which charter, dated at Traquair, Alanus, Dapifer, is witness.

All the preceding charters are in the old Chartulary of the Bishopric of Glasgow, kept at the Scotch College at Paris. Of which a complete and certified copy was in the year transmitted by that College to the University at Glasgow.

There

ALAN, SON OF WALTER.

9

There are various other charters extant, wherein Alanus is described Filius Walteri, Dapifer; and particularly he is so mentioned in the Foundation Charter of the Abbey of Paisley, and in several other charters recorded in the Chartulary of Paisley.

PART
I.
Nº II.

This Alan died in 1204, in the 40th year of the reign of William the Lion, and was buried at Paisley, leaving a son, Walter, who succeeded him*.

* There is reason to believe that this Alan the High Stewart must have left another son besides Walter, his heir and successor, and that the name of that other son was *David*; for it appears from Rymer's *Fœdera*, vol. i. p. 241, that *David Senescallus* was one of the guarantees of Alexander II. King of Scotland, for the performance of an engagement, which he, Alexander, in the year 1219, came under to the King of England; obliging himself to marry Joan, eldest daughter of John King of England, if she could be obtained; if not, to marry her sister Isabella.

David Stewart, who was thus one of the guarantees of the King of Scotland in an engagement of this nature, must certainly have been a man of high rank; and the name of Stewart having at that time been confined to the family of the High Stewarts, he most probably was a son of Alan above-mentioned, and a younger brother of Walter the High Stewart, who succeeded him.

This David Stewart had escaped the attention of all the Genealogists, until he was first taken notice of by Sir David Dalrymple in his *Annals*, vol. i. p. 147.

THIRD GENERATION.

WALTER, Son and Heir of the preceding ALAN.

He succeeded to his Father in the year 1204, and died in the year 1246.

PROOFS, concerning this WALTER.

PART
I.
Nº III.

CHARTER by King William the Lion, dated at Dunfrez, (without mentioning the year,) to which the witnesses are; Ricardus de Moreville, Constabularius; *Walterus, filius Alani, Dapifer*; *Walterus Olifar*; Robertus de Quinci; Willielmus de Veteri Ponte.

Original charter, with the Great Seal of Scotland to it, in possession of the Scotch College at Paris, granted by Alexander II. in favor of the Church of Glasgow, dated at Air, 8th May, in the 9th year of his reign (which was the year 1223). In the testing clause of the charter, the first witness mentioned is *Walterus, filius Alani, Senescallus**; and there are eight other witnesses named after him.

The same person appears to have been at the same period designed *Dapifer*; which proves, that *Senescallus* and *Dapifer* were at that time descriptive of the same office.

The proof, that the same person was at the same period designed *Senescallus* and *Dapifer*, is furnished completely by the papers in the Scotch College at Paris; for the same Walter, who in the above-mentioned charter by King Alexander II. is designed *Senescallus*,

* The other witnesses in this charter named after *Walterus, filius Alani, Senescallus*, are " *Walterus Olifard Justiciarius Laod. Rod. Capellanus, Ingelram de Baliol, Henricus de Baliol Camerarius, Henricus de Stivel filius Comitis D. D. Joannis de Macaswell, Reginaldus de Crawford Vicecomes de Ar, Walterus Bisset.*"

granted a charter in favor of the Church of St. Mungo at Glasgow, wherein he describes himself thus: "Walterus, filius Alani, Dapifer
"Regis Scotiæ." This charter is in the Chartulary of Glasgow, called the Red Book, fo. 38.

PART
I.
No III.

Original charter by King Alexander II. dated 8th February, in the 23d year of his reign, (1237,) in favor of the Church of Glasgow. The witnesses to which charter are, "Walterus, filius Alani, Senescallus, Justiciar. Scotiæ." The other witnesses mentioned after him are, "Walter Cumyn, Comes de Menteth; Walt. Olifard Justic. Laodem. Alan Hostier, Walt. Byflet, Roger Avenel, David Marfcall*."

From this charter it appears that Walter, in or before the year 1237, had been made Justiciary of Scotland. Duncan Stewart, in his history, fixes the 24th of August 1230 as the date on which Walter got the high office of Justiciary of Scotland.

This Walter was, after the death of King Alexander's first Queen, (who died 4th March 1239,) sent to France as Ambassador, to negotiate a marriage for the King with Mary, daughter of Ingerlam Lord of Coucy; in which negotiation having succeeded, the nuptials of the King with that Lady took place in the year 1239.

Winton's
Chronicle,
vol. i. p. 373.

Walter the High Stewart died in the year 1246, leaving issue several sons: 1st, Alexander, who succeeded him; 2d, John, said to have been killed at the taking of Damietta in Egypt in 1249, and died without issue; 3d, Walter, who is first designed in charters Walterus Senescallus, filius Walteri, Senescalli Scotiæ; and afterwards Walterus Senescallus, Comes de Menteith; 4th, William, mentioned in some charters, of whose issue there is no account.

The above account of the sons of Walter is taken from Symson, pp. 43, 44. After naming these four sons, Symson adds

* All the charters referred to in No III. are in the Scotch College at Paris, either in original, or in the old chartularies.

PART these words: "Our Historians and Genealogists, &c. have foisted
 I. "in a Robert, another son of this Walter, and make him ancestor
 No III. "to *Darnley* and *Lennox*, but without ground, as shall appear in
 "the Appendix to the next Chapter."

The Appendix thus referred to by Symson relates to Sir John Stewart of Bonkyl, whom Symson has proved in a satisfactory manner to have been the ancestor of the Stewarts of Derneley and Lennox, as will be made manifest in the sequel.

This Walter died in the year 1241, according to the Chronicle of Melrofs; but George Crawford, in his History of the family of Stewart, maintains that he died in the year 1246, and refers to the Chartulary of Paisley, for the proof of his not having died before that time.

FOURTH GENERATION.

ALEXANDER the HIGH STEWART, Son and
 Heir of **WALTER**.

This **ALEXANDER** succeeded to his Father **WALTER** in 1246, and died in the year 1283.

PROOFS.

No IV. **FROM** Rymer's *Fœdera*, tom. ii. it appears, that in 1255, this Alexander the Stewart, was one of the Counsellors to King Alexander III. of Scotland; and from Dalrymple's *Annals*, vol. i. p. 168, it appears, that he was appointed one of the regents of the kingdom*.

At

* Sir David Dalrymple, in his *Annals*, vol. i. p. 165, observes, that at this period, in 1255, the Cumyns held the principal sway in Scotland; and that two Barons

At the battle of Largs in Cunningham, 2d October 1263, Alexander the Stewart commanded the Scottish army, (Fordun, vol. ii. p. 98,) where a victory was obtained that day over the Norwegians and their leader Haco.

PART

I.

No IV.

In the same year, 1263, on the 30th of November, according to Symson and Duncan Stewart, in their Histories, Alexander the Stewart obtained from King Alexander III. a charter of the Barony of Garlies, then in the Shire of Dumfries, now in the Stewartry of Kirkcudbright; which lands went afterwards to Sir John Stewart of Bonkyl, the second son of this Alexander, and to his posterity*.

It was this same Alexander the Stewart who, according to Symson, p. 55, and Duncan Stewart, p. 50, invaded and subjected the *Isle of Man*, and annexed that island to the Crown of Scotland.

The account given by Sir David Dalrymple, concerning the acquisition of the Isle of Man, in his Annals, vol. i. pp. 176, 177, is, that in 1264, Magnus, son of Olave King of Man, despairing of assistance from Norway, did homage to King Alexander of Scotland at Dumfries, and became bound to furnish to his Lord Paramount five gallies with twenty-four oars, and five with twelve oars.

That in 1266, after long negotiations with Magnus King of Norway, it was agreed that Norway should yield to Scotland all right over the *Æbudæ* and *Man*, and in general over all islands in the Western Seas of Scotland.

Barons of their party, Robert de Ros and John de Baliol, had the name of Regents; but that their opponents were numerous and mighty, the chief of whom were Patrick Earl of March, Malice Earl of Stratherne, Neil Earl of Carrick, Robert de Brus, *Alexander the Stewart of Scotland*, and Alan Dureward; and further, that Henry III. of England espoused the interests of this party.

* In the Genealogical and Historical Account of the Stewarts by Symson, anno 1712, p. 56, he says, that the original evident (or conveyance) by Alexander the Stewart to his son Sir John, was in the hands of Alexander, third Earl of Galloway, and was for some months in the custody of John Stewart of Phisgill, a cadet of that family, who had frequently in conversations with him (Symson) attested that fact.

This

PART

I.

No IV.

This Alexander the Stewart gave many charters, confirming the former deeds of his father Walter and his ancestors to Paisley and other abbeys and churches; particularly at the feast of the Annunciation of the Blessed Virgin, anno 1266, in presence of King Alexander III. and many noble witnesses, he gave to the abbot and convent of Melros a new grant, ratifying to them certain lands they stood possessed of, and granting to them many exemptions and privileges. In this charter he is designed "Alexander, Senescallus Scotiæ, filius Walteri Senescalli."

In the year 1276-7, January 20, this Alexander the High Stewart, and his son and heir James, are witnesses to a charter granted by King Alexander III. the twenty-seventh year of his reign, confirming a deed by Nigel the deceased Earl of Carrick, to Roland Carrick and his heirs after him, declaring him chief of his tribe, and arbitrator in all pleas, differences, and other affairs of that progeny.

In the year 1281, July 25, at Roxburgh, on the final agreement of the matrimonial contract between Margaret daughter of King Alexander III. of Scotland, and Erick King of Norway, by his proxies, this Alexander the Stewart was one of the great men of the Scottish privy council, who swore for the performance of the articles agreed upon on the part of the King of Scotland.

Historians are not agreed as to the precise time of the death of this Alexander the Stewart; but Symson and Duncan Stewart fix the time of his death to have been in the year 1283, in the sixty-ninth of his age, and the thirty-third of the reign of King Alexander III.; and that he was interred at Paisley.

His issue were:

- I. James, his eldest son and heir.
- II. John, known by the description of Sir John Stewart of Bonkyl*.
- III. Elizabeth, married to William Lord Douglas, Knight, surnamed the Hardy.

* From whom sprung the *Stuarts of Darnley, Lennox, and Aubigny*, as will appear in Parts II. and III. of this Genealogical History.

FIFTH GENERATION.

JAMES the HIGH STEWART, Son and Heir of ALEXANDER.

This JAMES succeeded to his Father ALEXANDER in 1283;
died the 16th of July 1309, in the fourth year of the reign
of King ROBERT DE BRUS, and was buried at Paisley.

PROOFS.

JAMES the STEWART is frequently mentioned in the Acts pre-
served in Rymer's Fœdera.

After the death of King Alexander III. which happened on the
19th of March 1286, the estates of Scotland, assembled at Scone on
the 11th of April 1286, to provide for the security of the govern-
ment during the infancy of Margaret the Queen, grand-daughter
of King Alexander III. chose six regents under Queen Margaret,
of which regents James the High Stewart was one.

Queen Margaret having died in Orkney in the year 1290, Scot-
land was involved in scenes of misery and blood for many years;
during part of which time James the High Stewart continued one of
the guardians or governors of the kingdom.

In 1291, he was one of the auditors on the part of Robert de
Brus, in presence of Edward King of England, as appears from the
list published in Rymer's Fœdera, vol. ii. p. 556.

In the year 1297, James the High Stewart, with his brother John,
Robert Wishart, bishop of Glasgow, Sir Andrew Moray of Both-
well, &c. associated with Sir William Wallace and Sir William
Douglas

PART

L

No V.

Fordun ix. 1.
3. and Dal-
rymple's An-
nals, vol. i.
p. 185.

Dalrymple's
Annals, vol. i.
p. 246.

PART Douglas in their struggles against the dominion of the English in
I. Scotland.

Nº V.

In 1302, this James and other six ambassadors were sent to France to seek assistance from King Philip, and to watch over the national interests.

On the 8th of June 1303, these ambassadors wrote a letter from Paris, which is published in Rymer's *Fœdera*, vol. ii. p. 927.

On the 16th of March 1309, many of the earls and barons of Scotland, of which James the Stewart was one, wrote to Philip King of France, that they had recognized King Robert Bruce's right to the crown.

James the High Stewart died the 16th of July 1309, in the sixty-sixth year of his age, in the fourth year of the reign of Robert I., and was interred at Paisley.

He married Cecilia, daughter of Patrick Earl of Dunbar and March, by whom his issue were,

I. Walter * his successor.

II. Sir John, killed at the battle of Dundalk in Ireland, with Edward Bruce, Earl of Carrick, in the year 1318.

III. Sir James of Durisdeer; he is mentioned by Barbour, b. xix., as having survived his brother Walter (who died on the 9th of April 1326); and it there appears that in the following

* In the accounts given by Symson, George Crawford, and Duncan Stewart, of the sons of James the High Stewart, they all concur in mentioning only Walter as his son and heir, and two other sons, John and James; but it appears clearly from Sir David Dalrymple's *Annals*, tom. ii. p. 11., and from the authorities there referred to, that there was another son, Andrew, who was the eldest son of James the High Stewart. This Andrew had been given by his father as an hostage to Edward I. of England, who placed him with the Bishop of St. Andrew's. Sir David further states, "that on hearing of the slaughter of Comyn, Edward demanded back the youth, probably with a view of securing the fidelity of the father, but that the Bishop, instead of restoring his charge, put him into the hands of Bruce."

It does not appear what afterwards became of this eldest son Andrew, but he must have died without issue, as the next brother, Walter, succeeded to all the possessions of the High Stewart, and carried on the line of the family.

year

year after his brother's death, he, James, commanded his troops, and accompanied Thomas Earl of Moray and Sir James Douglas in an hostile expedition they made into England.

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No V.

SIXTH GENERATION.

WALTER the HIGH STEWART, Son and Heir of JAMES.

This WALTER, born in the year 1293; succeeded to his Father JAMES on the 16th of July 1309; married MARJORY the daughter of King ROBERT DE BRUS in 1315; and died the 9th of April 1326.

PROOFS *concerning this* WALTER.

THE first account of him in history is in the year 1314, in the twenty-first year of his age, when at the assembling and array of the Scottish army at Torwood, a little before the famous battle of Bannockburn, Walter the young Stewart brought a noble body of men to the aid of Robert de Brus against Edward II. of England *.

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In the arrangement made of the forces of the Scottish King, they were divided into four battails or divisions; the command of the

- * "Walter Stewart of Scotland syne
- "That then was but a beardless hyne,
- "Came with a rout of noble men,
- "That might by countenance be ken."

BARBOUR, p. 228.

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first

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first was given to Thomas Randolph Earl of Moray; of the second, to Edward Bruce, the King's brother; the command of the third battail or division was given to Walter the young Stewart, and to his kinsman Sir James Douglas*; and the command of the fourth, or rear guard, was reserved for King Robert himself. The young Stewart was thus trusted with a command at an early period of his life, and was a sharer of the glory of the victory obtained at the battle of Bannockburn over the army of King Edward.

About the end of the year 1314, Walter the High Stewart was appointed to receive, on the borders between England and Scotland, the illustrious Scots prisoners then released from captivity in England, viz. Elizabeth the wife of King Robert Bruce, Marjory Bruce, his daughter, Christian, his sister, Donald Earl of Marre, her son, and Robert Bishop of Glasgow.

Public records, roll of charters by Robert I. Crawford's History of the Stewarts, p. 14.

In the year 1315, King Robert de Brus gave his daughter Marjory in marriage to Walter the Stewart, then at the age of twenty-two; to whom King Robert gave in frank-marriage the barony of Bathcote, the lands of Ricartoun and Rathow, and various other lands.

In the year 1316, Lady Marjory died, leaving issue of the marriage one son, Robert, born on the 2d March 1316, who afterwards became King of Scotland.

When King Robert de Brus passed over to Ireland, in the year 1316, to assist his brother Edward then King of Ireland, he appointed

- " And syne the third battle they gave
- " To Walter Stewart for to lead,
- " And to Douglas doughty of deed.
- " They were cousins in near degree,
- " Therefore to him betaught was he;
- " For he was young but not forthy,
- " I trow he shall so manlily
- " Do his devoir, and work so well
- " That he shall need no more zounseil."

BARBOUR, p. 232.

Walter

Walter the Stewart and Sir James Douglas, governors of Scotland in his absence. (Dalrymple's Annals, vol. ii. p. 67.)

P A R T

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Edward de Brus had gone to Ireland in the year 1315, where he landed at Carrickfergus on the 25th of May with 6000 men, and after great vicissitudes of fortune was killed at Dundalk in Ireland, with many brave men, who fell in battle on the 14th of October 1318.

While Edward de Brus, the brother of King Robert, was alive, and before his setting out on the expedition to Ireland, there was a solemn settlement made of the succession to the crown of Scotland, in the event of the death of King Robert; and by that settlement, which is dated at Air on Sunday the 26th of April 1313, it was, in presence of the clergy and nobility there assembled, settled and agreed, that in case of the death of King Robert without heirs male of his body, Edward de Brus, the King's brother, "*tanquam vir strenuus*" "*et in actibus bellicis, pro defensione juris et libertatis regni Scotiæ*" "*quam plurimum expertus, et heredes sui masculi de corpore suo*" "*legitime procreandi, ipsi domino regi in regno ipso succedant:*" and failing the said Edward Brus, and the heirs male of his body, that the succession of the kingdom of Scotland should belong to Marjory the daughter of the said King Robert. That settlement appears to have been prior to the marriage of Marjory.

Fordun, vol. ii. lib. xii. cap. 24. p. 257. Anderson's Independency of Scotland, Appendix, No 24.

But after the death of Edward de Brus without leaving lawful heirs male of his body, a new settlement for regulating the succession to the crown was made in a parliament held at Scone upon the 3d of December 1318, in presence of King Robert and of the states of parliament there assembled, when it was enacted, that in the event of King Robert's death, without leaving a lawful heir male descended of his body, in that case Robert the son procreate of the marriage between the Lady Marjory, daughter of the said King, and a noble person, Walter Stewart of Scotland her husband, should

Fordun, lib. xiii. p. 290. Harleian Manuscripts, No 4694. Anderson's Appendix, No 25.

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succeed to our said Lord the King as his nearest and lawful heir in the kingdom of Scotland. And by the same act it was declared, that if Robert, or the heir succeeding to the crown, should happen to be under age at the time of the decease of the King, then the tutory or curatory of him, and the guardianship of the whole kingdom and people, should be committed to Thomas Randolph, Earl of Moray and Lord of Mann; and failing of him, to James Lord of Douglas.

To this act of settlement at Scone, the seals of many of the then clergy and great men were appended, one of which is that of Walter the Lord Stewart, who was called from Berwick to be witness to that solemnity at Scone.

In the year 1318, the town of Berwick was taken from the English, and the charge of this important acquisition was committed to Walter the Stewart, who made preparations for sustaining a siege, and assembled his own kindred, vassals, and followers to aid him in the discharge of his trust*.

In the year 1319, Walter defended that important frontier with signal bravery against a royal army commanded by the King of England in person, who was obliged to abandon the siege of Berwick after exerting his utmost efforts to no purpose†.

On

* The particulars relating to the capture of Berwick (on the 28th of March 1318) are stated in Dalrymple's Annals, vol. ii. p. 78. where the author mentions, that the garrison of the castle, and the men who had fled into it from the town, perceived that the number of the Scots was small, and made a desperate sally; but that they were repulsed chiefly by the extraordinary valour of a young knight, *Sir William Keith of Galsoun*.

† In Dalrymple's Annals, vol. ii. pp. 88, 89, 90, an account is given of the animated efforts made by the English for regaining the town and castle of Berwick, and the no less animated and resolute efforts of the Scotch for defending it; this is well

On the 6th of April 1320, the nobles and barons of Scotland, &c. assembled at the monastery of Aberbrothock, wrote a famous letter to Pope John, recorded by various historians. One of the nobles who signed this letter was Walter the Stewart.

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In 1321, the lands of Nisbett and others possessed by Sir William Sowles, the baronies of Kelly and Methven, which were Sir Roger de Mowbray's, were given to Walter the High Stewart, upon the forfeiture of Sowles and Mowbray, who had been concerned in a conspiracy against Robert de Brus, for which they were tried in a parliament held at Scone, in August 1320. (Annals, vol. ii. p. 96.)

In 1322, Walter the Stewart was engaged in the same enterprise with Douglas and Randolph, when by a forced march they endeavoured to surprise Edward II. at Beland Abbey in Yorkshire. Edward with the utmost difficulty escaped to York. The author of the Annals (vol. ii. p. 104.) says, that the Stewart with five hundred men pursued the English to York, and in the spirit of chivalry, remained at the gates until evening, waiting for the enemy to come forth and renew the combat *.

The

well described by him, p. 96, where the merit of Walter the young Stewart appears to have been conspicuous. His words are:

" Nevertheless, the English, eager to retain their ancient reputation in arms, continued the assault with unrelenting ardor. The Stewart, with a reserve of a hundred men, went from post to post and relieved those who were wounded or unfit for combat. One soldier alone remained with him of the reserve, when the alarm came that the English had burnt a barrier at a port called St. Mary's, possessed themselves of the drawbridge and fired the gate. The Stewart hastened thither, called down the guard from the rampart, ordered the gate to be set open, and rushed through the flames upon the enemy, a desperate combat ensued, and continued until the close of the day, when the English commanders withdrew their troops on every quarter from the assault (13th September)."

* " Walter Stewart that great bountie

" Set ay upon by chivalry

" With five hundred in company

" Unto

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Annals,
vol. ii. p. 116.Fordun,
vol. viii. p. 12.

Barbour, 402.

The author of the Annals states, that Walter Stewart the King's son-in-law, died the 9th of April 1326; and adds, that "had he lived, he might have equalled Randolph and Douglas, but his course of glory was short."

According to Symson, Duncan Stewart, and some other historians, this Walter the Stewart was thrice married: 1. To Alice, daughter to Sir John Erskine of Erskine; of which marriage there was one daughter, Jean, married to Hugh Earl of Ross. 2. To Marjory de Brus, of which marriage there was an only child, Robert, afterwards King of Scotland. 3. To Isabel, sister of Sir John Grahame of Abercorne; of which marriage there was one son, Sir John Stewart of Ralston, who was father of Sir Walter Stewart of Ralston, who died without issue.

The events relating to Walter the High Stewart are vouched not only by historians, but by Rymer's *Fœdera*, by Fordun, and by many written documents in the records in Scotland.

"Unto York's gates the chace can ma
 "And there some of their men can fla
 "And there abade while near the night
 "To see if any would ish and fight."

BARBOUR, p. 393.

SEVENTH GENERATION.

ROBERT the **STEWART**, afterwards **KING** of
SCOTLAND.

This **ROBERT**, born on the 2d of March, 1315-16, of the marriage between **WALTER** the Stewart and **MARJORY**, daughter of King **ROBERT DE BRUS**, succeeded to the estates and possessions of the Stewarts of Scotland, in the year 1326, upon the death of his Father **WALTER**, and to the Crown of Scotland in February 1370-1, upon the death of his Uncle King **DAVID DE BRUS**, the Son of King **ROBERT I.**

PROOFS relating to **ROBERT** the **STEWART**; and Historical
Sketch of the situation of SCOTLAND in his time.

UPON the 7th of June 1329, Robert de Brus, the restorer of
the Scotch monarchy, died at Cardross, in the 55th year of
his age. PART
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By the Act of Settlement, made at Scone in the year 1318, the succession to the kingdom was, in the first place, limited to the heirs male of the body of King Robert; the right of succession devolved therefore upon David, the son of Robert de Brus by his second marriage, who being only about six years of age at the death of his father, the character of regent of the kingdom was assumed by Randolph Earl of Moray, to whom that charge was given by the Act of Settlement 1318.

While Randolph lived, the duties of the office were performed with that wisdom, activity, and vigour which belonged to his
8 character;

PART
I.
No VII. character; but Scotland was deprived of the abilities of this great man in an early part of his administration, and at a critical time, in the year 1332, when the disinherited English barons, who by the treaty of Northampton had been deprived of their possessions in Scotland, were preparing to invade that country to recover their antient possessions, and to subvert that government which the valor and policy of King Robert de Brus had established.

In consequence of the English preparations Randolph assembled an army, and marched northwards for the defence of the interior parts of the kingdom; but on the 20th of July 1332, he expired on the march, which he had entered upon amidst the excruciating pains of bodily disease.

By the settlement 1318, James Lord Douglas had been appointed to succeed to the Earl of Murray, as guardian of the kingdom, in the event of his surviving Randolph; but in the year 1330, soon after the death of King Robert, Douglas, in compliance with the dying request of his beloved sovereign and faithful friend, had set out for Jerusalem with Robert de Brus's heart, in order to deposit it in the Holy Sepulchre. In his way to Jerusalem he visited Spain; and having given his aid to the King of Spain in a combat with the Saracens, he fell, on the 25th of August 1330, surrounded and overwhelmed by superior numbers.

Upon the death of the regent Randolph Earl of Murray in 1332, the Scottish Parliament assembled at Perth for choosing a successor, when after great diversity of opinions, the choice fell upon Donald Earl of Marr, nephew of the late King Robert; an unhappy choice (as observed by the author of the Annals); for this new regent, destitute of civil abilities and experience in war, had assumed the reins of government at a most critical juncture, and amidst perils which it would have required the genius of Douglas, Randolph, and Bruce, effectually to oppose. At the same time it is admitted, that it was difficult to make a fit and unanimous choice
of

of a regent, most of the surviving companions of the victories of Bruce were far advanced in years; his grandson the Stewart was under age; and the pretensions of the other great lords were nearly equal.

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Edward Baliol, with his associates from England, appeared in the Frith of Forth (31st July 1332): he landed in the neighbourhood of Kinghorn, 6th August; marched next day to Dumfermline, proceeded northwards, and encamped in the Miller's Acre at Forteviot, with the river Earn in front, on 11th August 1332.

The Earl of Marr the regent, with a numerous army encamped on the opposite bank of the river Earn in the neighbourhood of Duplin.

Then ensued the battle of Duplin Moor, (12th August 1332,) where the troops of the Scottish nation, from the bad conduct of their leaders, received an overthrow equally calamitous and disgraceful.

Many Scotchmen of eminent rank were slain; amongst these was Donald Earl of Marr the regent, whose ignorance of military discipline was the chief cause of this national disaster; Thomas Earl of Moray, the son and heir of the great Randolph; the Earl of Monteith; Robert Earl of Carrick, &c.

The loss of this battle, and the course of events unpropitious to Scotland, was so rapid and decisive, that Edward Baliol, within the space of three weeks from his landing, found himself in quiet possession of Scotland, and was crowned at Scone on the 24th September 1332, in presence of the clergy and people of Fife and of the Low Country of Perthshire, who submitted to a power they could not resist.

Such of the Scotch as still adhered to David their infant sovereign, conferred the office of regent on Sir Andrew Moray of Bothwell, husband of Christian, the sister of Robert de Brus. He, though

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brave

PART brave and active, had not force sufficient to attempt any thing
 I. considerable.
 No VII.

On the news of the sudden change of affairs in Scotland, Edward III. repaired to York, having been counselled by his parliament, *for the safety of the realm*, to draw near the Scottish frontiers. And it appears that he remained at York and in its neighbourhood from 26th October 1332, to 9th March 1333.

Meanwhile Baliol came to Roxburgh, and there made a solemn surrender of the liberties of Scotland. He acknowledged the English King for his liege lord, and became bound to put him in possession of the town, castle, and territories of Berwick, and of other lands on the marches, extending in all to the yearly value of 2000*l*.

Edward having engaged to maintain Baliol in possession of Scotland, Baliol engaged to serve him in all his wars without exception (23d November 1332).

About this period many of the Scottish barons, either through despair, or from antient attachment to the Baliol line, submitted to the conqueror, and acknowledged his title.

In the month of December 1332, John, the second son of Randolph, now become Earl of Moray by the death of his elder brother; Archibald, the youngest brother of the renowned Sir James Douglas; together with Simon Frazer, assembled a body of horsemen at Moffat in Annandale, and suddenly traversing the country, assaulted Baliol at Annan, where he lay in thoughtless security. Henry, the brother of Baliol, and many other persons of distinction in the interest of Baliol, were there slain. Baliol himself escaped almost naked, and with hardly a single attendant, and took refuge in England.

About the end of the year 1332, the Scots began to make excursions into the English borders.

Baliol, having been joined by many English barons, returned to Scotland 9th March 1333; and establishing his quarters in the neighbourhood of Roxburgh, began to make preparations for besieging Berwick.

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Sir Andrew Moray of Bothwell, the regent, resolved to attack Baliol before the arrival of reinforcements from England. A sharp conflict ensued at the bridge of Roxburgh, where the regent, ill-seconded by his troops, fell into the power of the enemy. He was conducted to King Edward at Durham, and detained in close custody. Thus Scotland was deprived of one of its ablest commanders, Sir Andrew Moray of Bothwell; and, a little before that time, had been deprived of the assistance of Sir William Douglas, the famous Knight of Liddesdale, who was defeated and made prisoner near Lochmaben towards the latter end of March 1333.

Upon the captivity of Sir Andrew Moray of Bothwell, Archibald de Douglas became regent.

In May 1333, King Edward, meaning to circumscribe the territories of Scotland, as well as to chastise the Scots, ordered possession of the Isle of Man to be taken in his name, and soon after made it over to William de Montague, who had some claim of inheritance upon it.

The chief purpose of the English King was to gain the town and castle of Berwick, already ceded to him by Baliol. To the Scots, the preservation of Berwick appeared no less important. The Earl of March was appointed to the command of the castle, and Sir William Keith of Galston to the command of the town.

Baliol with his forces came before Berwick. Edward arrived soon after with the English army, and established his quarters at Tweed-mouth, opposite to Berwick, on the south bank of the Tweed (May 1333).

The siege was vigorously prosecuted on the part of the English, and obstinately resisted on the part of the Scots. During a

PART general assault the town was set on fire, and in a great measure
I. consumed. The inhabitants having experienced the evils of a siege,
No VII. and dreading the worse evils of a storm, implored the Earl of March and Sir William Keith to seek terms of capitulation. A truce was obtained, and it was agreed, that the town and castle should be delivered up on terms fair and honourable, unless succours arrived before the hour of vespers on the 19th July 1333.

By the treaty Sir William Keith was permitted to have an interview with the regent Archibald Douglas. He found him with his army in Northumberland; urged the necessity of his return; and shewed him that Berwick, if not instantly relieved, was lost for ever. Persuaded by his importunities, the regent resolved to combat the English, and either to save Berwick or lose the kingdom.

On the afternoon of the 13th of July 1333, the regent prepared for battle. He divided his army into four bodies: the first was led by John Earl of Moray, the second son of Randolph, whose eldest son Thomas had been killed at the battle of Duplin Moor; the second body was led by the Stewart of Scotland, under the inspection of Sir James Stewart of Rosyth; the third body was led by the regent Archibald Douglas himself, having with him the Earl of Carrick, and other barons of eminence; the fourth body, or reserve, was led by Hugh Earl of Ross.

The English were advantageously posted on a rising ground at Halidon, with a marshy hollow in their front; and Baliol had the command of one of the wings.

The Scottish army rushed on to a general attack, but they had to descend into the marshy hollow before mounting the eminence of Halidon. After having struggled with the difficulties of the ground, and after having been incessantly gauged by the English archers, they reached the enemy; and although fatigued and disordered in their ranks, they fought as became men who had conquered under the banners of Robert de Brus. The English, with equal valour, had

had great advantages of situation, and were better disciplined than their antagonists. The result was disastrous to the Scottish army. PART
I.
No VII. The regent Archibald Douglas received a mortal wound, and the Scots every where gave way. In the field, and during a pursuit of many miles, the number of slain and prisoners was so great that few of the Scottish army escaped. The regent, mortally wounded and abandoned on the field of battle, only lived to see his army discomfited and himself a prisoner.

In this battle many persons of eminent rank in Scotland were killed; and amongst others, Alan Stewart of Dreghorn, the ancestor of the Stewarts of Derneley and Lennox, and two brothers of his, John and James.

According to capitulation, the town and castle of Berwick surrendered, and the English King took hostages for the fidelity of the citizens.

In relating these events, it is said by an English historian, "That Annals, vol.
ii. p. 168. it was the general voice that the Scottish wars were ended; for that no man remained of that nation who had either influence to assemble, or skill to lead an army."

Some castles however still remained in the possession of the friends of Scotland. Malcolm Fleming, having escaped from the carnage of Halidon, secured the castle of Dumbarton. Alan de Vipont held the castle of Lochleven: Robert Lauder, the castle of Urquhart Winton's
Chronicle, vol.
ii. pp. 172, 173. in Inverness-shire; and Christian Brus, the sister of King Robert, and mother of the deceased Earl of Marr the regent, held the castles of Kildrummy and Marr.

In such circumstances, it became necessary to provide a safe place of refuge for the young King David and his consort. Malcolm Fleming found means to convey them from the castle of Dumbarton into France in the year 1333; where they were honourably entertained, and where they remained till the year 1341.

About

PART

I.

No VII.

About the beginning of October 1333, Baliol held a parliament, to which many Englishmen, now become possessed of estates in Scotland, repaired.

In February 1334, Baliol held another parliament in Edinburgh, when Geoffrey Scroope, Chief Justice of England, demanded in the name of Edward III. that the treaty between Baliol and his liege lord should be ratified; and to this, Baliol and his parliament consented. He became bound to serve with all his forces in the wars of Edward; and, for performing in part the conditions covenanted, made an absolute surrender of the town, castle, and territory of Berwick, to be annexed for ever to the English crown.

Ry. Fed. iv.
614-616.

The humiliation of the unhappy kingdom of Scotland became complete when Baliol, by a solemn instrument, dated at Newcastle-upon-Tyne 12th June 1334, surrendered great part of the Scottish dominions to be annexed for ever to England. In that instrument Baliol said, that he had formerly become bound to make a grant to Edward of lands on the marches to the amount of 2000l.; and the Scottish parliament had ratified these obligations; and that he had accordingly surrendered Berwick and its territories: and now for completing and discharging his obligations, he made an absolute surrender to the English crown, of the forests of Jedburgh, Selkirk, and Etrick; of the counties of Roxburgh, Peebles and Dumfries, together with the county of Edinburgh and constabulary of Linlithgow and Haddington; and of all the towns and castles belonging to the several territories thus surrendered.

Fed. iv. 616
-618.

Edward immediately regulated the government of his new dominions. He appointed a sheriff for each district; a chamberlain or general steward, and a justiciary of Lothian.

Upon the 18th of June 1334, Baliol presented himself before his liege lord, did homage and swore fealty for the whole kingdom of Scotland, and the isles adjacent.

In

In the same year, 1334, Baliol conferred on David Hastings de Strathbogie, Earl of Athole, the *whole estates of the young Stewart of Scotland*. PART
I.
No VII.

Such was the situation of affairs in Scotland in the year 1334, which may be considered as the commencement of the career of Robert the young Stewart of Scotland. Winton's
Chronicle, vol.
ii. pp. 176, 177.

It has been thought necessary to give this general short sketch of the affairs of Scotland, from the death of King Robert de Brus in 1329, to the year 1334, in order that the difficulties, and the course of unpropitious events which immediately preceded the exertions of Robert the young Stewart, for the preservation of the rights and liberties of his country, may be justly felt and appreciated*.

In the course of the year 1334, Sir Andrew Moray of Bothwell having been set at liberty, returned to his native country; and with his antient zeal for the public, began to assemble the surviving friends of Scotland. He was joined by Alexander de Moubray, formerly attached to Baliol, but alienated from him and from his supporters by their behaviour in a dispute concerning the succession to the inheritance of his deceased brother. Geoffrey de Moubray also, whom Edward had appointed governor of Roxburgh, revolted to the Scots.

Richard Talbot, attached to Baliol, was in the north when these disturbances began. He endeavoured to pass into England, but was interrupted by Sir William Keith of Galstoun, defeated and made prisoner. Walsingham,
134.
Fordun, xiii.
40.
Winton's
Chronicle, vol.
ii. p. 209.

The Stewart of Scotland had lain concealed in Bute ever since the battle of Halidon, (19th July 1333,) where at the age of sixteen he had commanded one of the bodies of the Scottish army. He now, in the succeeding year 1334, found means to pass over to Fordun, xiii.
29.

* The representation of the facts has been chiefly taken from Sir David Dalrymple's Annals, as the source that may be the most depended upon for an impartial relation of facts.

PART the castle of Dumbarton, and resolutely stood forth in the public
 I. cause.
 N° VII.

Affisted by Dugald Campbell of Lochow, he made himself master of the castle of Dunoon in Cowal. His tenants of the island of Bute attacked and slew Alan de Lile the governor, and presented his head to their master. John, the son of Gilbert, was made prisoner in the action where de Lile fell. This man was governor of the castle of Bute; he ordered the garrison to surrender, and attached himself to the Scottish interest. Encouraged by these successes, the Stewart invaded the territory of Renfrew, his antient inheritance, and by military execution compelled the inhabitants to acknowledge the sovereignty of David. In accomplishing which, it is said by Fordun, lib. xiii. cap. 32., that the Stewart was joined by William Carruthers and his relations from Annandale, and by Thomas Bruce from Kyle.

The exertions and the rapid progress made by the young Stewart are well stated by Fordun*, lib. xiii. cap. 32, 33. pp. 316, 317; and

Fordun, lib.
 xiii. cap. 32,
 33. pp. 316,
 317.

* " Crebrescente quotidie rumore aridentis fortunæ Juvenis Senescalli Scotiæ,
 " Willielmus de Carrutheris cum fratribus, nepotibus ac cognatis suis, probis viris et
 " probatis Scotis, qui ad partem Regis Angliæ pro nulla amissione temporalium
 " despecti potuerunt, quique in Valle de Annandia latitantes, et in maxima penuria,
 " tanquam Silvestres, hinc inde vagantes sese demum unanimiter, quasi examen
 " apium, congregantes, spectabili satis cuneo se committunt Senescallo. Qui de
 " eorum adventu jocundatus, sibi, eodem tempore, Thomas de Bruce cum melioribus
 " de Kyle adjunctus est. Catervatim igitur ad eum hinc inde confluentibus, cœpit
 " viriles quosque allicere, et cordatos Scotos ad se trahere exercitum suum quotidie
 " augmentare, et ipsorum animos, vicaria dilectione et firmitate fida, sibi conglutinare.
 " Qui quidem pubescere tunc cœpit adolescens, speciosus forma præ filiis hominum,
 " corpore largus et procerus; omnibus affabilis et modestus; largus, hilaris, et
 " honestus; in quo tantam gratiam innata bonitas præstiterat, ut a cunctis fere populis
 " fidelibus Scotis avide amaretur.

" Inter hæc a transmarinis partibus et a Rege Scotorum David Johannes Ranulphi,
 " Comes Moraviæ repatriavit, et apud Dunbretan applicuit incolumis; quem
 " gratanter recepit Senescallus. Et quia tunc magna potentia accrevit Senescallo, nec
 " res aut negotium pati poterat otium, misit, quasi omni die, trans Clydum valentium
 " catervas

and he describes him thus: "He was a comely youth, tall
 "and robust, modest, liberal, gay, and courteous; and for the
 "innate sweetness of his disposition, generally beloved by true-
 "hearted Scotsmen."

PART
 I.
 No VII.

John Earl of Moray, the second son of the great Randolph, had escaped into France after the battle of Halidon. He now returned to Scotland. The Scots acknowledged him and the young Stewart as regents, under the authority of their infant and exiled sovereign. The Earl of Moray speedily collected a body of troops; invaded the country of the Earl of Athole, and constrained him to retire into Lochaber, where, deprived of all means of resistance, he was compelled to surrender, and embraced the party of the conqueror.

On this rapid change of things, Baliol again retired into England and implored the protection of his sovereign. Edward led his troops against the insurgents (14th November 1334). With one part of the army Baliol wasted Evandale and the adjacent territories (December). He celebrated Christmas in royal state at the castle of Renfrew; and distributed lands and offices among his guests.

Edward led the rest of his army into the Lothians, and ruled at pleasure in a desolate and defenceless country.

At this juncture Patrick Earl of March formally renounced the fealty which he had sworn to England.

"catervas hominum, qui, hac illacque discurrentes, patriam populantur, prædas
 "diripiunt, captivos ducunt, vel ad fidem Scoticanam convertunt. Et sic infra
 "breve inferiorem partem de Clyddisdale, velint nolint habitatores, sibi subjugales
 "eos efficiunt. Ad Senescallum dehinc baronales de Renfrew adveniunt, et sibi,
 "tanquam proprio domino, humiliter se offerunt. Ad quorum exemplum Godefridus
 "de Ros, Vicecomes de Ayre, post tamen aliqualem resistantiam, cum universitate de
 "Carrick, Conyngham et Kyle attractus sive coactus, placuit Senescalli se subdere
 "legi. Placuit etiam proceribus et communitatibus eligere Senescallum et Comitem
 "Moraviæ in regni custodes, promittentes assistentiam et personale obsequium ad
 "quoque imperata." Fordun, lib. xiii.

PART

I.

No VII.

In 1335, (April,) the Stewart and the Earl of Moray, regents, assembled a parliament at Dartsey near Cupar in Fife; at which assembly there appeared the Earl of March, Sir Andrew Moray of Bothwell, Alexander de Moubray, William Douglas of Liddesdale, and many other barons; and the Earl of Athole was also there with a formidable train of attendants, and bore himself with a haughtiness of demeanor which the Scottish Lords could ill brook. This ambitious and fickle young man set up his party in opposition to the Earl of Moray, and is by some historians said to have wrought on the inexperience and facility of the young Stewart, to join with him in perplexing and thwarting the national councils of that parliament. The deliberations were influenced by private interests, animosities, and mutual disgusts, and at length the barons, without having concerted any general plan of defence, separated themselves in confusion.

In July 1335, Edward again invaded Scotland.

In August 1335, John Earl of Moray the regent, in returning from the borders, to which he had escorted the Count of Namur, was attacked by William de Pressen, Warden of the castle and forest of Jedburgh; his party was routed, the Earl himself was made prisoner, and conveyed into England, where he remained prisoner till the year 1341, when he was exchanged for the Earl of Salisbury.

The captivity of the one regent, and the inexperience of the other, seemed to precipitate the ruin of the Scottish nation. Alexander de Moubray, Geoffrey de Moubray, and certain other persons, having, as they said, full powers from the Earl of Athole and Robert the Stewart of Scotland, concluded a treaty with Edward III. at Perth, 18th August 1335.

Upon 24th August 1335, Edward III. granted a special pardon to the Earl of Athole, restored him to his English estates, and conferred on him the office of lieutenant in Scotland.

Sir

Sir Andrew Moray of Bothwell, with the Earl of March and William Douglas of Liddesdale, had collected 800 men, natives of the Lothians and Merse, and with the assistance of 300 men brought to them from Kildrummy, surprised the Earl of Athole in the forest of Kilblain, where his troops, seized with a panic, were dispersed, and he himself slain (November 1335).

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After the death of the Earl of Athole, Sir Andrew Moray of Bothwell assembled a parliament at Dumfermling, and was acknowledged by that assembly in the character of regent.

Edward endeavoured to sustain himself in his new acquisitions, by making grants of them to his principal lords. With this view, he bestowed the town and sheriffdom of Peebles, the town, sheriffdom, and forest of Selkirk, and the forest of Etrick, on William de Montague and his heirs (10th October 1335).

In the former year, he had acquired from Henry de Percy the Pele of Lochmaben, with Annandale and Moffatdale, and had given him in exchange the town, castle, constabulary, and forest of Jedburgh, with some other places in that neighbourhood.

The contest between the English and the Scotch was carried on with various fortune during the years 1335 and 1336.

In the year 1337, the military operations against the Scots began to languish. Edward, busied in preparing for war with France, could not bestow much attention on the affairs of Scotland. He publicly asserted his claim to the crown of France, and being engaged in that contest, relaxed his military operations against his weaker neighbours in Scotland.

In 1338, Sir Andrew Moray of Bothwell, regent of Scotland, died.

Robert the Stewart of Scotland, succeeded him in the office of sole regent, and began his administration by preparing for the siege of Perth, which had been the head-quarters of the English for many years, and might be termed the seat of government, as Baliol

PART I. had chosen it for the seat of his usual residence, and it was supposed to be of exceeding importance. *Winton's Chronicle, vol. ii. p. 237.*

No VII.

In the beginning of 1339, the Stewart appeared before Perth with his army. Ughtred, the governor, made a gallant resistance. The Scotch prepared to storm Perth; Ughtred capitulated, and was conducted with his garrison into England (17th August 1339).

Winton's Chronicle, vol. ii. p. 237.

The Stewart's next enterprise that same year was against the castle of Stirling, which surrendered upon conditions similar to those which had been granted to the governor of Perth. In the siege of Stirling, Sir William Keith of Galston lost his life.

Dalrymple's Annals, vol. ii. p. 206. Winton's Chronicle, vol. ii. p. 238.

After dislodging the enemy from every post to the north of the Firth of Edinburgh, the Stewart undertook a progress through Scotland, administered justice, redressed grievances, and established good order.

Ibid. p. 239.

The fortresses of Edinburgh, Roxburgh, Berwick, Jedburgh, and Lochmaben, with several less considerable castles in the south, still remained under the power of the English, and the lands of Tiviotdale remained subject to them. But in the year 1341, (17th April,) the castle of Edinburgh was surprised, and the garrison thereof was overpowered and expelled.

In the year 1341, King David II. with his consort Johanna landed from France, (at Inverbarvy in Kincardineshire, 4th May 1341,) after having been an exile from his kingdom since the year 1333.

From the time that King David returned to Scotland in 1341, he assumed the reins of government himself; and as it is not here meant to give an historical account of the events during the reign of King David, but merely to take notice of some of the principal events with which Robert the Stewart was connected during the absence and minority of David the sovereign, so it is unnecessary to enter into any detail of the occurrences from 1341 to the time of King David's death in 1371, when the succession to the crown opened to Robert the Stewart.

It

It will be sufficient to mention that at the battle of Durham on the 17th of October 1346, the right wing or van of the Scottish army was commanded by John Earl of Murray, the second son of Randolph, and Douglas the knight of Liddesdale; the centre by King David in person; and the left by Robert the Stewart and the Earl of March.

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The English began the attack on the right wing of the Scots, where their leaders the Earl of Murray was slain, and the knight of Liddesdale made prisoner. The Scots, bereaved of their leaders, gave way, and were totally routed on that side. The English attacked the centre, where David commanded, not only in front, but also with their archers on the flank, now exposed by the defeat of the right wing. The contest, even on terms so unequal, was maintained for several hours; the chief officers of the crown and many of the nobility fell at the side of their sovereign. He, although dangerously wounded, still encouraged his few surviving companions, and fought like the son of Bruce; at length he was overpowered and made prisoner.

The Stewart and the Earl of March, who commanded the left wing, made their retreat good, although not without loss.

Such was the disastrous event of the battle of Durham, where the loss of the vanquished was exceedingly great.

The King of Scots, with his faithful and favourite servant Malcolm Fleming, Earl of Wigton, was conducted to a long and dreary captivity in the Tower of London, 2d January 1346-7.

The English entered Scotland; the fortresses on the borders made no resistance, and they became masters of the whole country on the borders from the East to the West Sea, and advanced their forces to the neighbourhood of the Vale of Lothian.

The Stewart was elected to the office of regent under the title of

“ Robertus Senescallus Scotiæ locum tenens serenissimi Principis David,

“ Dei

PART I.
 No VII.
 Annals,
 vol. ii. p. 221.

"*Dei Gratia Reges Scotia illustris.*" The author of the Annals observes, that "notwithstanding the national calamities, he supported the cause of his absent sovereign, and maintained a shew of civil government in Scotland."

In 1355, Baliol, weary of being the nominal sovereign of a people among whom he had no authority, resolved to renounce Scotland for ever.

He surrendered to Edward III. all his private estates in Scotland (at Rokesburgh, 20th January 1355-6).

On the same day he made an absolute surrender to Edward III. of the kingdom and crown of Scotland, "by delivery of a portion of the earth of Scotland, and also by the delivery of his golden crown." These were considered as the proper feudal symbols of possession (given at Rokesburgh, 21st January 1355-6).

Treaty of
 Berwick 1357,
 October 30.

During many successive years Robert the Stewart exerted himself, and employed all his power and influence for recovering from captivity his sovereign David de Brus; many treaties for that purpose were entered upon, and at last they were brought to a happy conclusion in the year 1357. In that year a treaty was concluded between the two nations at Berwick, the 30th of October 1357, by which the King of Scots was released, after a captivity of eleven years. The Scottish nation agreed to pay one hundred thousand marks sterling, as the ransom of their sovereign, by yearly payments of ten thousand marks (on the 24th of June). Twenty young men of quality, and among them the eldest son of the Stewart, were to be given as hostages; and for further security three of the following great lords were to place themselves in the hands of the English: the Stewart, the Earls of March, Marr, Ross, Angus, and Sutherland; Lord Douglas, and Thomas Moray of Bothwell. It was provided that a truce should continue between the two nations until complete payment of the ransom.

The

The King of Scots, the nobility, and the boroughs ratified this treaty (5th of October), and the bishops ratified it on the following day (6th of October).

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David immediately after his release summoned a parliament, laid the treaty before the three estates, obtained their approbation, and then ratified the treaty anew (at Scone, 6th of November).

Foed. vol. vi.
p. 68.

November 6.

Upon the 22d of February 1370-1, King David II. died in the castle of Edinburgh, in the forty-seventh year of his age, and the forty-second of his reign. Upon his death the succession opened to Robert the Stewart of Scotland, who, by the settlement made by Robert de Brus, and by repeated acts of the Scottish parliament, had been declared the heir to the crown of Scotland, on the failure of the heirs male of the body of Robert de Brus.

This title was recognised in the most solemn manner at the time of his coronation at Scone on the 26th of March 1371, when a solemn act was passed in presence of the Prelates, Earls, Barons, and others, declaring in what manner the said Robert had succeeded and ought to succeed to David King of Scotland, his uncle and predecessor, both by the proximity of blood, and by the declaration contained in a certain instrument drawn up in the time of Robert King of Scotland, grandfather and predecessor of the said Robert, which instrument was exhibited and read in the parliament then assembled.

Coronation of
King Robert
II. on the 26th
of March
1371.

The act states that the usual homage and oaths of fidelity had been received from the Prelates, Earls, Barons, and others of the clergy and people there present; and then it proceeds to declare, that in the event of the death of Robert, now become King of Scotland, *his first-born son, John, Earl of Carrick and Stewart of Scotland*, shall be, and ought to be his true and lawful heir, and shall succeed to him in the kingdom of Scotland, and shall sit and ought to sit upon the throne of that kingdom. The words of the declaration made by King Robert upon this occasion, as stated in the act, are

as

PART as follows: "Volens more et exemplo celebris memorie ejusdem"
I. "boni Regis Roberti avi sui coram clerico et populo successorem et"
Nº VII. "verum heredem suum declarare ibidem licet de ipso clare constitit"
 "atque constet ex habundanti et unanimi consensu et assensu dic-"
 "torum prelatorum, comitum procerum et magnatum indicavit"
 "asseruit et recognovit declaravit et voluit quod cum ipsum conti-"
 "gerit pro dispositione divina ab hac luce migrari Dominus"
 "Johannes, filius suus primogenitus comes de Carrick et *Senescallus*"
 "*Scotiae* erit et esse debet verus et legitimus heres suus ac sibi post"
 "mortem suam in regno Scotiae, dño disponente succedet et succe-"
 "dere debet et post eum sedebit et sedere debebit super solium"
 "regni sui."

To the declaration thus made by the sovereign concerning his eldest son and heir, each of the Prelates, Earls, Nobles, and others there present, severally gave their assent, and became bound that the said John the eldest son of the King, if he survived his father, should become King of Scotland, as the true and lawful heir of his father, and that they should maintain and defend him to the utmost of their power against all mortals*.

* The original instrument drawn up on this occasion is still preserved in the records of Scotland at the Register-office in Edinburgh, with the seals of many of the Prelates, Nobles, and others thereto appended. The writing is still very legible, and in a very fair character; but lest it should suffer from the injury of time, or other accidents, the present Lord Register of Scotland, Lord Frederic Campbell, has very lately been at the expence of getting a very elegant *fac simile* copy made and engraved of this curious monument of antiquity.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

INTRODUCTION to PART SECOND.

IN Part First it has been shewn, that Alexander the Stewart, who died in the year 1283, left two sons, James and John; and that James, the eldest son, succeeded his father in the Stewartry of Scotland, and was succeeded by his eldest son Walter, who married Marjory, daughter of King Robert Bruce; of which marriage there was only one child, Robert, who, on the death of his father Walter in 1326, succeeded to the office and possessions of the High Stewart; and afterwards, upon the death of King David Bruce, in March 1371, succeeded to the crown of Scotland.

The Genealogical History of the eldest branch of the Stewart race, from the time that they became Kings of Scotland, is so well known, that it would be superfluous to pursue it minutely in this Genealogical History; it shall here only be briefly noticed, that Robert II. who succeeded to the crown in 1371, died in 1390, and was succeeded by his son John Earl of Carrick, who having laid aside the name of John took that of Robert, and was afterwards known by the name of King Robert III. father of King James I. of Scotland, whose male descendants of the name of James enjoyed the crown of Scotland for four successive generations; but King James V. was the last of the male descendants from James the Stewart, eldest son of Alexander the Stewart above-mentioned.

Upon the death of King James V. in 1542, the crown of Scotland devolved upon his only child Mary Queen of Scots, then an infant but six days old. In the year 1564, she married her cousin Henry Stewart Lord Derneley, son of Matthew Earl of Lennox; of which marriage, King James VI. of Scotland, and I. of England, was the only child, and the heir of every thing that pertained to his father or to his mother: he, therefore, not only succeeded to the crown of Scotland in right of his mother, but was in right of blood the complete representative of the High Stewarts of Scotland in the male line of succession: by his mother he was descended from James the *Stewart*, (the eldest son of Alexander the High Stewart above-mentioned,) whose male issue failed on the death of King James V.; and by his father Henry Lord Derneley, he was the lineal descendant and heir male of the said Alexander the High Stewart, as being descended from Sir John Stewart of Bonkyl, the second son of the said Alexander.

The object of the Genealogical History now to be given is, to trace through all the successive generations the male descendants from Sir John Stewart of Bonkyl, the second son of Alexander the High Stewart, for the purpose of shewing that this Sir John Stewart of Bonkyl was the ancestor, not only of the Stewarts *Earls of Angus*, but also of the Stewarts of *Derneley*, *Lennox*, and *Aubigny*, and the paternal ancestor likewise of King James VI. of Scotland and I. of England, and of all the monarchs of the Stewart race who succeeded him.

PART SECOND.

Beginning with Sir JOHN STEWART of BONKYL, second Son of ALEXANDER, and immediate younger Brother of JAMES the High Stewart before-mentioned; which Sir JOHN STEWART, ancestor of the Stewarts of Angus Derneley and Lennox, was killed at the battle of Falkirk in 1298. This PART SECOND ending with Sir ALEXANDER STEWART of Derneley, who died between the years 1400 and 1404.

FIFTH GENERATION RESUMED.

1. JAMES the HIGH STEWART, eldest Son of ALEXANDER.
Concerning whom and his descendants an account has already been given in PART FIRST.
2. Sir JOHN STEWART, second Son of ALEXANDER the STEWART.

PROOFS *concerning* Sir JOHN STEWART, the second Son of ALEXANDER.

IN Nisbet's Heraldry, vol. i. p. 49. there is the following paragraph: " Sir John Stewart of Bonkyl, second son to Alexander, High Stewart of Scotland, born in the year 1246. He married Margaret, daughter to Sir Alexander Bonkyl of that ilk. She bore

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“ to him several sons, heads of great families of the name of
“ Stewart; which families were known by the fess chequé, bend,
“ and buckles; the figures which Sir John Stewart carried in right
“ of his wife, viz. or, a fess chequé, azure and argent, surmounted
“ of a bend, gules, charged with three buckles of the first for
“ Bonkyl.”

There are many documents wherein Sir John Stewart is described as brother of James the Stewart of Scotland: amongst others, there is a charter of confirmation, dated “ apud Nigram
“ Aulam, anno 1294, die Dominica infra octavas Epiphaniæ
“ Domini,” by James the Stewart of Scotland, confirming certain privileges granted to the Monastery of Passeith; to which charter one of the witnesses is “ Johannis Seneschalli Frater meus.”

This charter is in the Chartulary of Paisley, p. 147—151.

In the year 1286, a contract was entered into between the Earls of Gloucester and Ulster on the one part, and James the Stewart of Scotland and *his brother John Stewart*, and others, on the other part; by which, they agreed to stand by each other in all questions and causes, saving their allegiance respectively to the Kings of England and of Scotland; which agreement is dated at Turnberry in Carrick, 20th September 1286. This contract is referred to, not only by Symson, p. 78, and Duncan Stewart, p. 51, but by Dugdale in his Baronage, vol. i. p. 216, where he refers to the original contract as in the possession of Augustine Stewart of Lackinketh in the county of Suffolk, in the year 1575.

In the Record kept at the Tower of London of those who swore fealty to King Edward I. on the 15th of May 1296, the first person mentioned on the roll, where there are about 16 or 1700 names, is *James Seneschal of Scotland*, and next to him *John Stewart his brother*, so described. The oaths taken by them on that occasion, with the seals of James the Stewart and his brother

Sir John appended to these oaths, are still extant and have been preserved entire in the Chapter-house at Westminster*.

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The following article, relating to a grant made by Sir John Stewart to the Convent of Melros, is verbatim copied from a manuscript in the British Museum, No. 4707, of Harleian Collections, titled, "Mr. David Symson, Historiographer of Scotland, his Adversaria and Collection, in his own hand, of Matters relating to that Kingdom."

"1296. On Christmas-day, at Blackhall, before these witnesses, James Senescal of Scotland, *brother to the Granter*, Walter Lindefay, Reginald Crosbi, William Abyrnythyn, and James Lindefay, Knights; Walter and Bernard, Abbots of Paisley and Kilwenyn, and others, *John Senescal brother to James Senescal of Scotland*, for the health of his own soul and all his ancestors and successors, and for the health of *Margaret his wife and his children*, gives to Melros and to the proper canons of St. Waleve Abbot, 'ad inveniendum unum cereum ad cenobium ipsius Sancti,' two pound of wax at the fairs of Roxburgh, to the honor of the said Saint, to be paid yearly, or the price thereof at the said term, out of his lands by him and his heirs."

It is material to observe, that from the above charter it is proved that Sir John Stewart, at the date of it in 1296, had children, and that the name of his wife was Margaret; which in so far agrees with the account given by the historians, who say that he married Margaret, daughter and heiress of Sir Alexander Bonkyl, and who say that he had by her several children.

Sir David Dalrymple, in his Annals, vol. i. p. 256, has the following paragraph relating to the events of the year 1298: "Mean-

* Of these original seals of James the Stewart and of his brother Sir John, a *fac simile* copy has been taken and engraved, as will be found in the Genealogical Table of the Stewarts relative to this History.

" while

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“ while the Scots were assembling all their strength in the interior
“ part of the country. Few barons of eminence repaired to the
“ national standard. They whose names are recorded were John
“ Comyn of Badenoch the younger; *Sir John Stewart of Bonkyl*,
“ brother to the Stewart; Sir John Graham of Abercorn; and
“ Macduff, the grand-uncle of the young Earl of Fyfe.”

When Sir David Dalrymple thus positively described *Sir John Stewart of Bonkyl* as the brother of the Stewart, and mentions his name as recorded, no person acquainted with Sir David's accuracy could entertain a doubt but that he had seen sufficient evidence and authority for thus describing him.

In p. 260 of the same Annals, Sir David gives an account of the battle of Falkirk, fought on the 22d July 1298, where he mentions that Sir John Stewart, while giving orders to his archers, was thrown from his horse, and slain; that his archers crowded round his body and perished with him. Sir David here refers to Hemmingford's account, which is in these words: “ Inter quos frater
“ Senescalli Scotiæ, cum ordinasset viros sagittarios de foresta de
“ Selkyrke, casu ex equo cecidit, et inter eosdem sagittarios
“ occisus est. Circumsteterunt enim eum iidem sagittarii et cum eo
“ corruerunt, homines quidem elegantis formæ et proceræ staturæ.”
T. i. p. 165.*

The

* Having stated so many respectable authorities for what relates to Sir John Stewart of Bonkyl, and for his being the same person with Sir John Stewart, the brother of James the Stewart of Scotland, it may be thought superfluous to give any additional proofs on that subject: but the Author, while engaged in this work, had occasion to know that doubts were in some quarters entertained as to Sir John Stewart, the brother of James the Stewart, his having married the heiress of Bonkyl, or his having been at any time described as *Sir John Stewart of Bonkyl*. Those who doubted of, or disbelieved the accounts given by Symson, Crawford, Nesbit, Duncan Stewart, and Sir David Dalrymple, concerning Sir John Stewart of Bonkyl and his family, maintained that no contemporary author had ever mentioned a *Sir John Stewart of Bonkyl*, and that there was no evidence of an ancient date mentioning that Sir John Stewart, the brother of the Stewart of Scotland, had ever married the heiress
of

The only daughter of the marriage between Sir John Stewart and the heirefs of Bonkyl was Isabel, who married the celebrated Thomas

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of Bonkyl, or that there were sons of that marriage. The concurring testimony of the various authors who had agreed with regard to the facts concerning Sir John Stewart of Bonkyl and his family, had satisfied me that the fact was as stated by them; however, I thought it incumbent on me to persist in making every practicable search and inquiry that might lead to additional proofs, such as might remove every possible doubt in any quarter. Accordingly, in the course of these continued researches, I have very lately been conducted to a very unexpected and decisive piece of evidence with regard to the points on which the doubts had been entertained. It is as follows:

In the year 1305, on the death of Sir Robert de Depyng, the rector of the parish of Ulndale in the county of Cumberland, Sir David de Brigham, Knight, presented Hugh de Roucestre, clerk, to the rectory of Ulndale; while at the same time Thomas de Lucy presented to that rectory Sir David de Cringledike, chaplain; whereby the church became litigious, which gave rise to an inquisition being taken thereupon by the clergy of the deanry of Allerdale at Wigton, at the chapter held there on the 20th July 1305. Upon which inquisition the return made by the jury was as follows: "The jurors say, that the said church is void, and hath been void from the feast of St. Dunstan last past by the death of Sir Robert de Depyng late rector of the said church; and they say, that Sir Alexander de Bonkyl last presented the said Robert to the said church. That it is worth *communibus annis* 18l. a-year. Also they say, that the said Sir Alexander had a daughter, Margaret, who is now lately dead, and that in her father's lifetime she was married to Sir John, brother of the Stewart of Scotland, to whom she had children (as is said); and so it seemeth to them, that the eldest son of the said John and Margaret ought of right to be the true patron thereof: but that the church is litigious; for that Sir Thomas de Lucy has presented Sir David a chaplain, a man sufficiently known, honest, and of good behaviour to the said church, which presentee asserts the right of presentation for that time to belong to the said Thomas, because the manor of Ulndale is in his hand by reason of the death of the said Margaret, daughter and heir of the said Alexander, who held the said manor with the appurtenances of the said Thomas de Lucy by the service of cornage, which yields wardships and relief; and that Sir David de Brighyn, who now presents the said Hugh to the said church, was never married to the said Margaret in face of the church. The said Hugh in like manner pro- pounds, that the said Sir David de Brighyn is patron, and ought to present to the same by the law and custom of England; for that he did marry the said Margaret, and during the marriage had children by her; in evidence whereof he produced certain letters and transcripts of the Bishops of St. Andrew, Dunkeld, and Brechyn, and a transcript of the Bull of the late Pope Benedict of blessed memory, under the seals

PART II. Thomas Randolph Earl of Moray, nephew of King Robert de Brus; and with that Lady he got from Sir John Stewart the lands of

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“ seals of the Archdeacon of St. Andrews and the Official of Brechyn; by which
 “ it appears, that, notwithstanding the affinity and consanguinity between the said
 “ Sir David and Margaret, the said Pope Benedict dispensed, that they might marry.
 “ Of the condition of the said Hugh, as to his birth, they know nothing; and that
 “ he is an Acolyte, and otherwise of good behaviour, as they believe. Other things
 “ touching the said inquisition they leave to your fatherly goodness.”

The above particulars are taken verbatim from the History of the Counties of Westmoreland and Cumberland, by Joseph Nicholson, Esq. and Richard Burn, LL.D. vol. ii. p. 31, 32. That History of Cumberland was indicated to me by Mr. Pinkerton the historian, who, in the course of his extensive reading, had noticed the above article relating to Sir John Stewart; and as he had some time ago learned from me that there were persons who doubted of Sir John Stewart of Bonkyl being the brother of James the Stewart, he, Mr. Pinkerton, very obligingly communicated the above passage in that history, which affords such decisive evidence upon the contested points.

It must be admitted, that an inquisition taken in the year 1305, affords what may be called contemporary and unexceptionable evidence of what related to Sir John Stewart, who died in the year 1298; and of what related to his wife Margaret, heiress of Bonkyl, who survived him, and died only very recently before the date of the inquisition. And as the return made by the jurors was, that Margaret the heiress of Bonkyl had, during her father's lifetime, married *Sir John, the brother of the Stewart of Scotland*, to whom she had children; it is scarcely possible that any doubts can now be entertained as to these facts, though the knowledge of them has been incidentally acquired by an inquisition, whereof the principal object was to ascertain the right to the presentation of the rectory of Ulndale, which had once belonged to Sir Alexander de Bonkyl, and thereafter to his daughter and heiress Margaret, who it appears was first married to Sir John Stewart, the brother of the Stewart of Scotland, and afterwards to Sir David de Brigham, and had children by both marriages.

A search among the records in the Tower of London has afforded additional evidence in confirmation of the same facts, viz.

1. An inquisition taken at Carlisle on Wednesday next after the feast of St. Mark the Evangelist, in the twenty-eighth year of King Edward I. (which was the year 1300) by a jury who upon their oaths declare, that the deceased Sir Alexander de Bonkyl held at the time of his death the manor of Ulndale with the pertinents of Thomas de Lucy, by homage and service; and that the advowson of the church of Ulndale pertained to the said manor of Ulndale, and that the said manor was taken into the hands of our sovereign lord the King by the escheator of his Majesty in the county of Cumberland, on account of a certain *Margaret, daughter and heir of the said Sir Alexander*, because

of Garlies, which were afterwards given by John, the son and heir of Thomas Earl of Moray, to Sir Walter Stewart of Dalswinton, PART
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because that she resided in Scotland with the enemies of our sovereign lord, who are against the King's peace.

2. Another inquisition taken at Ulndale in the eighth of Edward II. (which was the year 1315,) by a jury who upon their solemn oaths declare, that *Alexander le Seneschall* was seised as of fee of a certain manor of Ulndale, upon the day on which he departed from the fealty due from him to our sovereign lord the King.

The brieves issued by Edward I. and Edward II. upon which the two inquisitions abovementioned proceeded, are still extant in the Tower of London, and attached to the inquisitions; they were directed to the escheator for the King beyond the Trent, and ordered him to ascertain by a jury the facts relating to Sir Alexander de Bonkyl and to Sir Alexander Stewart, concerning their interest in the manor of Ulndale, and to set forth in what manner and for what causes these lands had been seised and taken into his Majesty's hands.

3. A grant by Edward II. in the twelfth year of his reign, (1319,) by which he gave to Bartholomew de Badlesmere in fee, the manor of Ulndale, with the pertinents, which belonged to the deceased Alexander Stewart, a Scotsman, enemy and rebel to the King of England; and the grant recites that, on account of his enmity and rebellion aforesaid, the said manor of Ulndale had become escheated to his Majesty.

4. There is in the Rotuli Scotiæ in the Tower, a charter by Edward III. in the fourteenth year of his reign, (1341,) which recites and confirms a charter which had been granted by Edward Baliol while King of Scotland, on the 28th of October in the first year of his reign, (1332,) by which he granted to Thomas Ughtred, Knight, the manor of *Bonkhill*, together with all lands and tenements which had belonged to John Stewart, Knight, and which had come into the King's hands by the forfeiture of the said Sir John Stewart.

The above papers from the Tower prove and establish the following facts: 1. That Sir Alexander de Bonkyl, the father of Margaret the wife of John Stewart, died in or about the year 1300, and probably but a little before the date of the inquisition in that year; also that he died possessed of the manor of Ulndale and the advowson of the church of Ulndale in Cumberland; and that they had been seised into the hands of the King because Margaret the daughter and heir of the said Alexander resided in Scotland with the enemies of the King. This, therefore, proves that Margaret was the daughter and heir of Alexander de Bonkyl, and as such was entitled to the manor of Ulndale, &c. of course she must equally have been entitled to the lands of Bonkyl in Scotland upon her father's death.

PART II. No V. ton, his uncle, as appears by an original charter in the possession of the Earl of Galloway. Though

The other inquisition taken in the time of Edward II. in the year 1315, shews that Alexander Stewart was, upon the day when he withdrew his allegiance from King Edward, seised as of fee in the said manor of Ulndale, and in several other lands in Cumberland therein mentioned; though it does not appear in what manner these lands had reverted to the family after they had been escheated to the crown during the life of his mother Margaret, as mentioned in the preceding inquisition.

The grant by Edward II. in the year 1319, to Bartholomew Badlesmere, of the manor and advowson of Ulndale, shews that Alexander Stewart was then dead, and that by his rebellion the said lands became again forfeited to the King, who, in consequence, gave them to Bartholomew Badlesmere.

The circumstance of the lands of Ulndale in Cumberland having been enjoyed first by Sir Alexander de Bonkyl, then by his daughter and heiress Margaret, and then by Alexander Stewart, would of itself be sufficient to prove that there had been issue of the marriage between Sir John Stewart and Margaret the heiress of Bonkyl, and that Alexander Stewart had succeeded to these lands as the eldest son of that marriage. By the same rule he must have succeeded to the lands of Bonkyl in Scotland; but as the Scotch records of inquisition of that period have not been preserved, it is not known in what manner he made up his titles to the lands of Bonkyl, though it does appear from Barbour and other authorities, that he was known and described by the title of Sir Alexander Stewart of Bonkyl.

It appears from the preceding documents, that Sir John Stewart, the brother of the Stewart of Scotland, had married Margaret the daughter and heir of Sir Alexander de Bonkyl, during her father's life; and as he Sir John Stewart was killed at Falkirk in 1298, while his surviving father-in-law Sir Alexander de Bonkyl lived till the year 1300, and his wife Margaret lived till about the year 1305, it is highly probable that the estate of Bonkyl never actually belonged to Sir John Stewart the husband of Margaret. It may therefore be very true that Sir John Stewart never was in his own lifetime designed Sir John Stewart of Bonkyl, either in any legal instrument, or described as such by any contemporary author: but as the marriage of Sir John Stewart with the heiress of Bonkyl had brought that estate of Bonkyl to his family, and was long enjoyed by his descendants during many generations; it was very natural that those historians or genealogists who wrote subsequent to the death of Sir John Stewart, should, by way of distinguishing him from other persons of the name of Stewart, have described him as *Sir John Stewart of Bonkyl*.

The question is not whether Sir John Stewart, the brother of the Stewart of Scotland, ever was the legal or actual proprietor of the estate of Bonkyl; but whether that

Though authors are in general agreed that there were many sons of the marriage between Sir John Stewart of Bonkyl and his wife Margaret, yet they are not agreed as to the precise number of those sons. PART
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Symson, in his History of the Stewarts published in the year 1712, p. 64, gives the following account of the sons of Sir John Stewart of Bonkyl:

- " 1st son, Sir Alexander Stewart of Bonkyl, father to John Earl
" of Angus, of the race of Stewart.
- " 2d son, Sir Alan Stewart, of whom the *Lords of Derneley*,
" *Earls and Dukes of Lennox*, and their several cadets.
- " 3d son, Sir Walter Stewart, to whom King Robert Bruce gave
" a charter of the barony of Dalswinton, as did John Ra-
" nulphe Earl of Moray give another of the barony of
" Garlies; from whom the Earl of Galloway by an heiress.
- " 4th son, Sir James Stewart, ancestor to Innermeath and Craig-
" hall; and from Innermeath, Lorn, Durisdeer or Rosslyth;
" from Lorn or Innermeath, the Earls of Atholl and
" Buchan, the Stewarts of Gairntully, &c. Kinnaird and
" Alpin, and Innerduning. From the Earl of Buchan is the
" Earl of Traquair, &c.
- " 5th son, Sir John Stewart, of whose issue I have discovered
" nothing from charters.
- " 6th and 7th sons, Sir Hugh and Sir Robert, mentioned by
" Hollinshed in his Chronicle of Ireland, anno 1318, whose
" existence I am not to defend."

Sir John Stewart did marry the heiress of Bonkyl, and by that marriage acquired to his family the estate of Bonkyl, so as to justify the description of *Sir John Stewart of Bonkyl* given to him by various historians and genealogists. Upon these points it is apprehended that no doubt can now remain in any quarter.

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Duncan Stewart, in his History of the Stewarts published in 1739, p. 149, says, that Sir John Stewart of Bonkyl, brother of James the High Stewart, had by his wife Margaret, seven sons and a daughter, viz.

- " 1. Sir Alexander of Bonkyl, of whom Angus.
- " 2. Sir Alan of Dreghorn, of whom Lennox.
- " 3. Sir Walter of Dalswinton, of whom Galloway.
- " 4. Sir James of Preston and Warwickhill, of whom Lorne.
- " 5. Sir John, killed with his two brothers, Alan and James,
" at Halidonhill in 1333, and supposed to be predecessor to
" Castelmilk.
- " 6. Hugh; and 7, Robert."

Duncan Stewart here adds: " It is not discovered who are come
" of the two last brothers, or if there are any come of them,
" unless it be allowed that Allantoun is come of one of them; for
" by their own traditional account, their predecessor was an imme-
" diate younger brother of Castelmilk.

" Isabel, daughter to Sir John Stewart, married Thomas Ran-
" dolph Earl of Moray, to whom she brought the barony of Garlies.
" These families above carried the arms of Bonkyl, as descended of
" Sir John Stewart."

Having given this general view of the several sons of Sir John Stewart of Bonkyl, with an indication of the families derived from them; the subsequent Parts of this Genealogical History will relate only to the two eldest sons of Sir John Stewart of Bonkyl, to wit, Sir Alexander Stewart of Bonkyl, and Sir Alan Stewart of Dreghorn, and the male descendants from these two eldest sons; as that will be sufficient for tracing completely the Genealogical History of the Stewarts *Earls of Angus*, and of the Stewarts of *Derneley*, *Lennox*, and *Aubigny*; and thereby ascertaining the nearest heir male
of

of these families, and at the same time the nearest heir male of the High Stewarts of Scotland.

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The male descendants from Sir Alexander, the eldest son of Sir John Stewart of Bonkyl, failed in the year 1377; but as there were several generations of them before that failure, it is thought proper here to state these several generations, and the proofs of them.

Nº I. Of the STEWARTS EARLS OF ANGUS.

Concerning Sir ALEXANDER STEWART of Bonkyl, eldest Son of Sir JOHN, and the Male Descendants from him.

THIS Sir Alexander is mentioned in Rymer's *Fœdera*, and in several transactions of those times.

Sir James Dalrymple, in his *Collections*, p. 394, says, "That in the time of King Robert Bruce the lands of Carnwath were in possession of the Bairds, who were forfeited for their adherence to Baliol, and these lands were granted by that King to Sir Alexander Stewart, probably the person afterwards created Earl of Angus."

John Barbour's *Life of King Robert Bruce* was written about the year 1370, which was so near to the time of the events related by him, that on that account, as well as on account of the character of the author, great reliance is generally placed upon the facts contained in his *History*.

This author, Barbour, tells us, that Sir Alexander Stewart of Bonkyl and Sir Thomas Randall were taken prisoners by James Lord of Douglas in an adventure therein mentioned, which is ascertained to have been in the year 1308; at the same time he takes occasion to mention, that this Sir Alexander Stewart was son to the uncle of the said James Lord of Douglas, which shews that he was son to Sir John Stewart of Bonkyl, the brother of James the

Annals, vol. ii.
p. 25. 1308.
Barbour, pp.
192, 193.

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the Stewart of Scotland; for Sir John was uncle to James Lord of Douglas, whose father William Lord of Douglas, furnamed the Hardy, married Elizabeth Stewart sister of James the High Stewart and of Sir John Stewart of Bonkyl, as mentioned in the preceding Part First*.

Sir Alexander Stewart of Bonkyl is supposed to have been created Earl of Angus by King Robert de Brus about the year 1327; for in that year he is mentioned by John Barbour as Earl of Angus, p. 421 of the black letter edition.

The author of the Historical Remarks on Prynne's History, p. 2 of these Remarks, which are subjoined to Nisbet's Heraldry, says, that Sir Alexander Stewart designed of Bonkyl was in the year 1327, upon the forfeiture of the English family of the Umphravilles, created Earl of Angus †.

This

* In Barbour's History, pp. 192, 193, of the black letter edition, this adventure is thus related:

" For of Bonkyl the Lord there was
 " Alexander Stewart hight he,
 " With other twa of great bountie,
 " Thomas Randall of great renowne,
 " And Adam also of Gordoun."
 " That night the good Lord of Douglas
 " To Sir Alexander made, that was
 " His *efme's* (a) son right gladfome chear,
 " So did he also withouten weir
 " To Thomas Randall for that he
 " Was to the King in near degree
 " Of blood, for him his sifter bare,
 " And on the morn forouthen mare
 " Toward the noble King he rade
 " And with him both these twa he had."

† The authorities above cited inclined me for some time to the opinion of those who maintained that the first person of the Stewart line created Earl of Angus was this Sir Alexander Stewart, and that he had been so created about the year 1327: but the recent

(a) *Efme* signifies Uncle in the old Scottish language.

This Sir Alexander Stewart left two children, a son and a daughter. The son was Sir John Stewart of Bonkyl (who according to some authors was the first Earl of Angus of the Stewart line). The daughter was Isabel, married first to Donald Earl of Marr; and 2dly, she married John Randall (or Randolph) Earl of Moray, second son of Thomas Randolph Earl of Moray, and who upon the death of his eldest brother Thomas, killed at the battle of Dupplin Moor, 1332, succeeded to the Earldom of Moray.

The precise time of the death of Sir Alexander Stewart of Bonkyl is not known; but it must have been before the year 1329, for in that year his son John is described Earl of Angus and Lord of Bonkyl in a charter granted by him to Gilbert Lumsden of the Lands of Blanerne, dated 15th June 1329.

recent discovery in the records in the Tower of London of the grant beforementioned by Edward II. in the twelfth year of his reign, 1319, by which he gave to Bartholomew de Badlesmere in fee the manor of Ulndale, with the pertinents, which are there stated to have belonged to *the deceased* Alexander Stewart, a Scotsman, enemy and rebel to the King, and to have been escheated to his Majesty on account of his enmity and rebellion, seems to prove that Alexander Stewart had died before the date of that grant in 1319. If this fact had been ascertained by a jury on an inquisition *post mortem*, complete credit would have been due to it; but the recital in a grant by King Edward in favour of the person on whom he was bestowing the estate of Sir Alexander Stewart, is not, perhaps, entitled to the same degree of credit. It is, however, of little consequence whether the first created Earl of Angus of the Stewart line, was Sir Alexander Stewart, or his son Sir John Stewart, as some authors have alleged: but it has been thought proper here to state the evidence for and against the creation of the Earldom of Angus in favour of Sir Alexander.

PART
II.
N° V.

PART

II.

No V.

N^o II. Of the STEWARTS EARLS OF ANGUS.

Sir JOHN STEWART, Earl of Angus and Lord of Bonkyl, only Son of Sir ALEXANDER, succeeded to his Father before the year 1329.

In the possession of Mr. Lumsden of Blanerne.

CHARTER of the lands of Blanerne in the shire of Berwick in favor of Gilbert Lumsden, dated 15th June 1329, wherein this John Stewart was designed Earl of Angus, Lord of Bonkyl, by which the Earl is bound to infeft the said Gilbert Lumsden in certain parts of the lands of Blanerne, wherein he had not formerly been infeft.

This John Earl of Angus married Margaret, daughter of Alexander of Abernethy, Knight, as appears from a dispensation granted by Pope John XXII. dated in the month of November in the 13th year of his Pontificate, which was the year 1329, by which he gave permission to *John Stevyard, Lord of Bonkyl*, to marry Margaret, daughter of Alexander of Abernethy, Knight, (*Miles*), notwithstanding they were related in the fourth degree of consanguinity *.

He died in the year 1331, on the 5th of the Ides of December. Fordun, lib. xiii. p. 303.

* Symson, in his Genealogical History of the Stewarts, p. 66, and Duncan Stewart, in his History, p. 150, mention a charter dated in the year 1330, granted by Thomas Randolph Earl of Moray in favor of John Stewart Earl of Angus, of the reversion of the barony of Morthington and Longformacus; in which charter, John the Earl of Angus is described nephew to Thomas Randolph Earl of Moray the granter of the charter, who had married Isabel the daughter of Sir John Stewart of Bonkyl. This charter would therefore of itself be sufficient to prove, that Sir Alexander Stewart the father of John Stewart, Earl of Angus, was son of Sir John Stewart of Bonkyl; but neither Symson nor Duncan Stewart have mentioned where that charter is to be found.

N^o III.

N^o III. Of the STEWARTS EARLS of ANGUS.

THOMAS STEWART, Earl of Angus, Son of the said JOHN Earl of Angus, succeeded to his Father in the year 1331, and married MARGARET SAINT CLARE, daughter of Sir WILLIAM SAINT CLARE, of Roslyn.

THIS marriage, and the time of it, appear from a dispensation found in the Vatican at Rome, dated in the year 1353; by which Pope Innocent VI. in the first year of his Pontificate (1353) allowed them to marry, notwithstanding their being related in the fourth degree of consanguinity. The dispensation further mentions, that the Pope had been humbly supplicated for that purpose by John King of France, who declared himself the faithful friend of the said Thomas Earl of Angus, "*Ipsum Thomam suum fidelem amicum asserentis**."

In a manuscript collection of charters, called "Macfarlane's Manuscript," which is kept in the Advocates' Library at Edinburgh, p. 209, there is a charter by Thomas Stewart Earl of Angus and Lord of Bonkyl, to which charter John Stewart Lord of Crookiston is one of the witnesses, and he is there described as cousin of Thomas Stewart Earl of Angus, the granter of the charter. This is agreeable to and confirms the generally received history of the descendants from Sir John Stewart of Bonkyl; for John Stewart Lord of Crookiston (of whom in the sequel) was eldest son and heir of Sir Alan Stewart, who was the second son of Sir John Stewart of Bonkyl, and the

* This dispensation, and the other dispensation before-mentioned for the marriage of his father John Stewart, Lord of Bonkyl, were found by the Author in the Vatican at Rome in the year 1789; and he has in his possession authenticated copies of both of them, which were delivered to him by Mons. de Marigni, the keeper of the Archives in the Vatican.

PART immediate younger brother of Sir Alexander Stewart of Bonkyl,
II. grandfather of Thomas Stewart Earl of Angus; consequently John
Nº V. Stewart Lord of Crookiston, the son of Sir Alan, was cousin of
 Thomas Stewart Earl of Angus*.

This Thomas, Earl of Angus, died of the plague while a prisoner
 in the castle of Dumbarton in the year 1361.

He left issue one son, Thomas, who succeeded him, and two
 daughters, to wit :

Margaret, who married first, Thomas Earl of Marr, without issue;
 and secondly, William Earl of Douglas, to whom she was second
 wife, and by whom she had George Douglas, who, in right of his
 mother, became afterwards Earl of Angus.

Elizabeth, the second daughter, married Sir Alexander Hamilton
 of Innerweek, and left issue.

Nº IV. Of the STEWARTS EARLS OF ANGUS.

THOMAS, last Earl of Angus of the Stewart line, Son of the
 preceding THOMAS, succeeded to his Father in the year
 1361, and married MARGARET Daughter and Coheir of
 DONALD Earl of Marr, but died in the year 1377 without
 issue.

THE proof of this Thomas Earl of Angus having died without
 issue is, that the estate and honors of Angus went upon his death
 to his sister Margaret Countess of Marr and her son George Douglas,
 of which there are many written documents in the possession of
 the

* The charter referred to is a charter by Thomas Stewart Earl of Angus, to Sir
 Robert de Erskyne, milite, of the lands of Adamtoun, within the barony of Kyle
 Stewart, to which the witnesses are, the Bishops of St. Andrews and Glasgow, Domino
 Nostro Domino Roberto Senescallo Scotiæ, Willielmo de Douglas Domino ejusdem,
 Domino Johanne Senescalli Domino de Crokyston, consanguineo nostro, Willielmo de Con-
 ynghame, Johanne de Douglas, Johanne de Lindefay, Domino de Thorystoun, et Adam
 de

the Douglas family, and in the public records; particularly there is a charter by King Robert II. dated in the year 1389, in favour of George de Douglas, son of Margaret Countess of Marr and of Angus, sister of the last Thomas Earl of Angus, by which charter the Earldom of Angus, with the Lordships of Abernethy in the shire of Perth, and of *Bonkill* in the shire of Berwick, were, upon the resignation of the said Margaret, granted to the said George de Douglas and the heirs lawfully to be procreate of his body, whom failing, to Sir Alexander de Hamilton and Elizabeth his wife, sister of the said Margaret, and the heirs procreate or to be procreate between them.

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Hence it appears that these lands of Bonkill, composing part of the Earldom of Angus, had been uniformly enjoyed by the male line of the Stewarts Earls of Angus, down to the year 1377, and that they were transferred to the Douglas family by the marriage of Margaret, sister and heir of Thomas Stewart the last Earl of Angus. These lands of Bonkill have continued in the possession of the Douglas family from the year 1389 even to the present times.

Thus the male line from Sir Alexander Stewart of Bonkyl, the eldest son of Sir John Stewart of Bonkyl, failed in the year 1377.

We, therefore, now return to *Sir Alan Stewart of Dregborn*, the second son of Sir John Stewart of Bonkyl; which Alan belongs to the Sixth Generation of the descendants from Walter the first Stewart before-mentioned.

de Foulerton, Militibus, Willielmo Symple, Normanno de Lesley, Reginalde de Crawford, et multis aliis.

This charter has no precise date, but there is a confirmation of it by King David II. dated at Scone the last day of February, in the twenty-third year of his reign, which if the commencement of it is to be reckoned from the death of his father Robert Bruce, who died on the 7th of June 1329, was the year 1352.

The charter by Thomas Stewart Earl of Angus, and the charter of confirmation thereof by King David, are both to be found in Macfarlane's Collections in the Advocates' Library at Edinburgh. I. 5. 4. 29. p. 245.

SIXTH GENERATION RESUMED.

Sir ALAN STEWART, second Son of Sir JOHN STEWART of Bonkyl.

Born towards the end of the Thirteenth Century; served in the wars of King ROBERT BRUCE, to whose interests he was much and uniformly attached; received from King ROBERT a grant of the lands of Dregern, or Dreghorn, in the shire of Air, and from ROBERT the Stewart of Scotland a permission to purchase the lands of Cruickisfee, or Cruickiston, in Renfrewshire, held of the Stewart, being the first possession acquired by the STEWARTS of Derneley in that county.

PROOFS *concerning* Sir ALAN STEWART.

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IN the expedition to Ireland in the year 1315, Alan Stewart, having accompanied Edward Bruce the brother of King Robert, and Thomas Randolph Earl of Moray, who was brother-in-law to Alan Stewart, had his share in the military exploits of that kingdom. He is particularly mentioned in John Barbour's History of the Irish Expedition, p. 300, in the chapter intitled "Earl Thomas (Randolph) his Enterprize against the Victuallers from Conyers," in the following lines:

" And when Earl Thomas perceiving
 " Had of their coming and ganging,
 " He got him a great company
 " Three hundred horsemen wight and hardy;
 " There was Sir Philip de Moubray,
 " And Sir John Stewart also persay,
 " And *Sir Alan Stewart* also,
 " Sir Robert Boyd and others moe."

In

In Hollinshed's Chronicles of Ireland, he mentions that, "in 1315, Edward Bruce entered the north part of Ireland with 6000 men;" and in the course of tracing Edward's progress in Ireland, Hollinshed, p. 67, says, that "on the 5th of December 1316, *Sir Alan Steward*, that had been taken prisoner in Ulster by John Logan and Sir John Sandell, was brought to the castle of Dublin." — P. 68, that "in 1318, Lord John Birmingham, general of the field on the part of the English, led forth the King of England's power, being 1324 able men, against Edward Bruce, who, being accompanied with the Lord Philip Moubray, Lord Walter de Soules, the *Lord Alane Steward* with his three brethren; Sir Walter and Sir Hugh, Sir Robert and Sir Amery Laceys, and others, was encamped not past two miles from Dundalk with 3000 men, there abiding the Englishmen to fight with them if they came forward; which they did with all convenient speed, being as desirous to give battle as the Scots were to receive it."

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Charter by King Robert Bruce, recorded in Roll I. Nº 41, of the charters of his reign, by which he granted "*Alano Senescallo dilecto et fideli suo pro homagio et servitio suo omnes et singulas terras et tenementum de Dregorn cum pertinentiis quæ fuerunt Johannis de Baliol, Willielmi de Ferraris, et Alani la Suce, Militum; tenendas et habendas dicto Alano et heredibus suis de nobis, et hæredibus nostris in feodo et hæreditate per omnes rectas metas, &c. Reddendo servitium duorum archetenentium in exercitu nostro et tres sectas ad curiam vicecomitatus nostræ apud Air annuatim,*" &c.

In the Pub.
lic Records,
Roll I. Nº 41.

These lands of Dregern or Dreghorn lie in the shire of Air, and continued for many succeeding generations to belong to the Stewarts of Derneley and Lennox, descended from this Sir Alan Stewart, as will appear in the sequel.

In the British Museum, Nº 4609 of the Harleian Manuscripts, there are lists or inventories of several rolls or records of charters, granted

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granted by King Robert Bruce and David II. &c. and in those lists there are the two following articles:

“ Charter by King David to *Alan Stewart, father to John Stewart of Derneley*, of the lands of Crosswell, Drochdreg, 8 pairt of Glen-gary called commonly Knockill in Rinns of Galloway.”—“ Air.”

“ Charter of confirmation of a charter by John Ranulph Earl of Murray to Walter Stewart Knight, father to John Stewart of Dalswinton, of the lands of Garlies, Glenmanack, Corfocke, and Kirkornock in the shire of Dumfries.”

Neither of these two charters have hitherto been found in the records of Scotland; there can be no doubt, however, that such charters existed, especially as the Earl of Galloway has in his possession the original charter referred to in the second article above, being charter by John Ranulph Earl of Moray, Lord Annandale and Mann, in favor of Sir Walter Stewart, therein designed his uncle, (*avunculus noster charissimus*), by which charter the Earl of Moray granted to him and to his heirs the lands of Garlies, Glenmenock, and Cursock.

In the Advocates' Library.

Indenture, dated in the month of November 1327, entered into between Dominum Alanum Senescalli Militem ex parte una, et Dominum Alanum de Glasfrith Militem ex altera; by which Dominus Alanus de Glasfrith concessit et ad fermam demisit eidem Domino Alano Senescalli totam terram suam de Argeden cum pertinen' usque ad terminum 35 annorum incipiendorum ad festum Sⁱ Martini 1327.—The place where this indenture was executed between the parties was at *Derneley*, “ Apud le Derneley,” as mentioned in the deed itself*.

* A copy of this indenture is inserted at full length in a collection of charters in the Advocates' Library at Edinburgh; which collection once belonged to the Laird of Macfarlane. It is a thin folio, intitled “ Collection of Charters.” And it there appears, that the original was in the Earl of Morton's custody. The indenture bears that it was sealed with the seals of Sir Alan Stewart and Sir Alan de Glasfrith.

Original

Original charter, dated at Tarbart 4th June 1330, granted by Robert, Stewart of Scotland, with consent of Sir Thomas Randolph Earl of Moray, Lord of Annandale and of Mann, and of Sir William Lindsay, Archdeacon of Saint Andrews and Rector of the church of Air, and of Sir James Stewart, joint guardians or governors of the kingdom of Scotland; by which Robert the Stewart gave to *his beloved cousin Sir Alan Stewart*, the liberty of purchasing heretably from Adam de Glasfrith, all his lands of Cruckisfie, with the pertinents lying within the said Robert's barony of Renfrew, according as they could best agree thereupon.

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In the possession
of the Duke
of Montrose.

N.B. These lands of Cruckisfee appear to have been the first possession enjoyed by the Stewarts of Derneley in the shire of Renfrew, and they continued with the successors of Sir Alan Stewart during many generations. His successors were promiscuously designed Stewarts of *Cruxtoun* or *Cruickiston*, (which meant the same lands as *Cruckisfee*,) or Stewarts of *Derneley*.

All authors who have wrote on the subject agree, that Alan, James, and John Stewarts were brothers, and that these three brothers were killed at the battle of Halidonhill in the year 1333; but some of these authors have been guilty of a strange blunder in the description of their pedigree, as appears from the following particulars.

Fordun, in the *Scotichronicon*, lib. xiii. cap. 28. gives an account of the most distinguished persons killed at the battle of Halidonhill, which begins thus: "Nomina nobilium occisorum ex parte Regis David sunt hæc; tres incliti fratres Jacobus, viz. Joannes et Alanus Stewart, *fili nobilis Walteri et fratres Roberti postea Scotorum Regis*, Archibaldus de Douglas tunc custos Scotiæ," &c.

Winton, in his *Chronicle*, vol. ii. p. 170, mentions James, John, and Alan Stewarts as killed at the battle of Halidonhill anno 1333, and

PART and positively states that these three were brothers, but supposes
 II. them to have been brothers also of Robert the Stewart of Scotland.
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Bellenden, in his Translation of Boethius, book xv. of his Chronicles, folio 223, in his account of the battle of Halidonhill, writes thus: "In the third battal was the Dougless Governor, having
 " with him James, John, and Alan, *sons of Walter great Stewart*
 " *of Scotland.*"

The same author, in his account of the slain, says "Thir are
 " the principal men that were slain, Archibald Dougles Governor,
 " John Stewart, James Stewart, and Alan Stewarts, sons of Walter
 " Stewart."

Buchanan, in his account of the same battle, book ix. of the English translation, says, "That the chief persons who fell there,
 " were the General Archibald Douglas himself, James, John, and
 " Alan Stewarts, *uncles of Robert who reigned next after the*
 " *Bruces.*"

Thus Fordun, Winton, Boyce, and Bellenden, have supposed the three brothers of the name of Stewart killed at Halidonhill to have been sons of Walter the High Stewart; but this could not possibly be true; for of Walter's marriage with Marjory Bruce there was but one child, Robert, his heir; and that marriage, which took place in the year 1315, was dissolved by the death of Lady Marjory Bruce in the year 1316.

The account given by Buchanan is equally erroneous. He states the three Stewarts killed at Halidonhill to have been uncles of Robert II. that is to say, brothers of Walter the High Stewart; but Walter had no brother of the name of Alan—he had a brother of the name of John who was killed at the battle of Dundalk in the year 1318.

The inaccuracies of these historians with regard to the parentage of the three Stewarts killed at Halidonhill, were perceived and corrected by subsequent historians, who agree in the same fact, that

Alan,

Alan, John, and James Stewarts were killed at Halidonhill, but have restored to them their true father, Sir John Stewart of Bonkyl.

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Not only Symson, Craufurd, Nisbet, Duncan Stewart, and Douglas, have concurred in this corrected account, but Sir David Dalrymple, an author deserving of the highest credit on account of the great accuracy of his investigations, and his impartiality in the relation of facts, has in his Annals, vol. ii. p. 307, made the following remark concerning Alan Stewart killed at that battle: "The person meant is Alan Stewart of Dreghorn, son of Sir John Stewart of Bonkyl, slain at Falkirk in 1298. He was the ancestor of the Derneley family." The same author, in the immediate preceding paragraph, takes notice of the gross error into which Fordun had fallen, in supposing James, John, and Alan Stewarts to have been brothers of Robert the Stewart of Scotland. Sir David's observation is in these words: "It is said in Fordun, *most absurdly*, that James, John, and Alan Stewarts were brothers of Robert the Stewart of Scotland."

Sir David in his said Annals, vol. ii. p. 167, in a note at the bottom of that page, makes the following remark upon the incidents at the battle of Halidon:

"It may be remarked, that at Halidon two Stewarts fought under the banner of their chief; the one, Alan of Dreghorn, the paternal ancestor of Charles I.; and the other, James of Rossyth, the maternal ancestor of Oliver Cromwell."

Sir Alan Stewart, killed at the battle of Halidonhill 19th July 1333, left three sons:

1. Sir John Stewart of Cruckiston or Derneley.
2. Sir Walter Stewart.
3. Sir Alexander Stewart, who, on the failure of his two elder brothers without issue male, afterwards succeeded to all the estates which had belonged to their father Sir Alan.

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Sir Alan also left a daughter, Elizabeth Stewart, who married John de Hamilton, second son of Sir Walter de Hamilton, the ancestor of the Duke of Hamilton's family. In consequence of which marriage he got from Sir John Stewart of Derneley a charter of the lands of Ballincrieff in West Lothian, wherein Sir John describes Elizabeth as his sister.

SEVENTH GENERATION.

1. Sir JOHN STEWART of Derneley or Cruickiston, eldest Son of Sir ALAN STEWART.
2. Sir WALTER STEWART, second Son.
3. Sir ALEXANDER STEWART, youngest Son of Sir ALAN.

Concerning the existence of these Sons of Sir ALAN STEWART, and what related to them, there are the most unquestionable PROOFS, as will appear from what follows:

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JOHN Stewart, the eldest son, is particularly mentioned in Rymer's Fœdera, vol. v. p. 200, where he is described "Johan Steward Fitz Monsieur Allein Steward," in a convention, dated 1st August 1340, for the liberation of John Randolph Earl of Moray, who had been taken prisoner by the English at the battle of Kilblain in the year 1335. From that convention it appears that the King of England, Edward III. had given liberty to the Earl of Moray to go into

into Scotland amongst his friends, to try what he could prevail upon them to do for his ransom or deliverance from captivity; and that it was agreed that certain hostages should be left in England during the Earl's absence, as a security for his return. The indenture of convention, dated 1st August 1340, published by Rymer, shews, that upon this occasion there were five hostages for the Earl of Moray, thus named and described:

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" Johan Stewart Fitz Monsieur Allein Stewart,

" Patrick de Dunbar Earl of March,

" Monsieur Alexander de Seytoun,

" Monsieur William de Levynghon,

" Patrick Heryng."

These hostages were all of them men of distinction, and some of them nearly related to the Earl of Moray. The first named of the hostages, John Stewart, was first cousin of John Randolph Earl of Moray, whose mother Isabel was the sister of Sir Alan and the aunt of the said John Stewart the hostage. Patrick de Dunbar Earl of March, another of the hostages, was brother-in-law of the Earl of Moray, having married his sister Agnes, who was daughter of Thomas Randolph Earl of Moray.

The above indenture of convention proves that John Stewart was the son of Sir Alan Stewart; and proves likewise that this John was alive in the year 1340, which was but seven years after his father had been killed at Halidonhill. It will appear from other documents hereinafter mentioned, that the same John Stewart was designed of Derneley, and that he lived till about the year 1369.

Original deed, dated 11th July 1342, by Robert de Graham Lord of Wighton in the barony of Walter his Kyle, within the tenement of Torbolton, whereby he granted to the monastery of Melrofs, the patronage of Torbolton. To this deed the first witness is,

In the possession of the Duke of Montrose.

" Dominus Robertus Senescallus Scotiæ, Miles, Dominus

" Capitalis de Torboltoun."

K 2

Then

Then follow these witnesses:

“ Domini Johannes et Johannes Seneschall de Prewyc et de
“ *Dederneley, Milites.*”

Charter before-mentioned, p. 57, granted by Thomas Stewart Earl of Angus and Lord of Bonkyl; to which charter John Stewart Lord of Croockifton is one of the witnesses, and is described as cousin of Thomas Stewart Earl of Angus, granter of the charter, which is confirmed by King David in the year 1352, the 23d year of his reign.

From Rymer's *Fœdera* it appears, that in the years 1354 and 1357 several conventions on the part of England and of Scotland took place concerning the ransom of King David Bruce, who had been taken prisoner by the English at the battle of Durham in the year 1346. At these conventions several of the principal persons of Scotland were given as hostages for the payment of the ransom agreed upon; and particularly at the three conventions held on the 13th July 1354, August and 3d October 1357, the son and heir of John Stewart of Derneley was one of the hostages given on these occasions.

In the convention of 13th July 1354, one of the hostages is thus described:

“ Le fils et heir Monsieur Jehan Stewart de Derneley.”

In the convention of August 1357, he is thus described:

“ Johan fils et heir Seigneur Johan Stewart de Derneley.”

And in the convention of 3d October 1357, the hostage on the part of the Derneley family is thus described:

“ Robert Filz et heir Monsieur Jehan Stewart de Derneley.”

In all these cases John Stewart of Derneley had given his eldest son and apparent heir as one of the hostages; in the same manner as Robert the High Stewart gave his eldest son and apparent heir as the hostage on his part. But it is to be remarked, that in the interval between August and October 1357, John, the eldest son and apparent heir of the said John Stewart of Derneley, must have died,

Rymer's *Fœ-*
dera, vol. v.
p. 791.

vol. vi. pp. 34,
35.

vol. vi. pp. 46,
47, 48.

died, for the hostage given at the convention in October 1357 was Robert son and heir of John Stewart of Derneley, in the room of that John Stewart who, at the convention in August 1357, had been given as the hostage under the description of "*John son and heir of John Stewart of Derneley.*" The description of son and heir could only be applicable to the eldest son in life at the time; it could not be applicable at the same instant to one son of the name of John, and to another son of the name of Robert; therefore, the change of the name of the heir apparent must have arisen from John the eldest son in August 1357, having died before 3d October 1357, when his next brother Robert succeeded to the description of *son and heir* of John Stewart of Derneley.

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In further confirmation of this reasoning, there is a charter (to be hereinafter mentioned more particularly) dated in January 1361-2, granted by Robert the Stewart of Scotland, whereby he granted the lands of Crookisfee and others, to Sir John Stewart of Derneley his beloved cousin, and to *Robert Stewart his son and heir*, and the heirs male of his body, &c.

That Sir John Stewart of Derneley himself, the son of Sir Alan, was alive at the times of the conventions 1354 and 1357, and that he long survived these periods, there is very satisfactory evidence.

The charter before-mentioned, by Thomas Stewart Earl of Angus, to which his cousin John Stewart Lord of Crookiston was one of the witnesses, and the charter of confirmation thereof by King David in the year 1352, shew that John Stewart of Crookiston was alive at that period.—But further,

From Rymer's *Fœdera*, vol. viii. p. 108, it appears, that in the year 1358, letters of safe conduct were granted by the King of England (Edward III.) to *John Stewart of Derneley*, Walter de Lesley, and several other persons of distinction in Scotland, by which

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which they were permitted to come from Scotland into England with certain retinues, and to pass through the kingdom of England and the dominion thereto belonging towards parts beyond the seas, on their own proper affairs, &c. The article relating to Sir John Stewart of Derneley and his retinue is expressed in the safe conduct, dated 24th October 1358, in these words:

“Johannes Steward de Derneley Chevalier cum sexaginta
“equitibus et peditibus.”

There are three original charters still extant, dated in the years 1356 and 1361, which afford still more direct evidence concerning the situation and members of the Derneley family at these periods, and particularly in what relates to Sir John Stewart the proprietor of the estates of Derneley and Crookiston, and his two brothers Walter and Alexander Stewarts.

In the possession
of the Duke
of Montrose.

The first of these is a charter dated at Rothsay (in the isle of Bute) in the year 1356, by which Robert the High Stewart of Scotland (afterwards King Robert II.) granted to his beloved cousin *Sir John Stewart of Crookiston Knight*, and to the heirs male of his body; whom failing, to his brothers *Walter and Alexander*, successively, and the heirs male of their bodies; all the lands held by the said John Stewart in capite of the Stewart of Scotland. And in this charter there is a specific declaration and destination by which Robert the Stewart, the granter of the charter, declares that failing the *heirs male* descended of the three brothers *John, Walter, and Alexander*, the said lands shall go and descend for ever (in eternum) to their nearest relations in blood of the surname of Stewart, and to *their heirs male in all time coming*.

Also in the
Duke of Mont-
rose's posses-
sion.

By another original charter, dated 10th January 1361, (which according to modern stile would be 1362,) the same Robert, describing himself Stewart of Scotland and Earl of Strathern, recites that his beloved cousin Sir John Stewart of Derneley, Miles, (Knight,) had

Had in the place of his habitation at *Derneley*, in the presence of him the said Robert Stewart of Scotland, and in the presence of John Stewart Lord of Kyle his eldest son and heir, and others of his council, personally resigned, according to the usual forms, all his lands of Crokisfou, of Inchennan, and of Perthwyckscott, with their pertinents, within the Stewart's barony of Renfrew, which he held in capite of the Stewart of Scotland; therefore, the said Robert thereby granted these lands to the said Sir John Stewart of Derneley his beloved cousin, and to *Robert Stewart his son and heir*, and the heirs male of his body; whom failing, to the other heirs male of Sir John's body; whom failing, to *Walter Stewart, immediate next brother to Sir John*, and the heirs male of his body; whom failing, to *Alexander Stewart the youngest brother*, and the heirs male of his body; whom failing, to Sir John's nearest heirs male.

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In this charter there is a clause declaring that failing these three brothers, and the heirs male of their bodies, "*The nearest heir male that can be found of the blood and name of the said Sir John Stewart, and the heirs male always of such heirs male, shall succeed to the said Sir John Stewart and his brothers for ever thereafter.*"

By another charter, of the same date in January 1361, John Stewart Lord of Kyle Stewart, eldest son of Robert the Stewart of Scotland, granted the lands of Torbolton and Drumley in the shire of Air to his cousin the said Sir John Stewart of Derneley; and to his brothers Walter and Alexander successively, and to their heirs male, precisely in the same terms with the above-mentioned charter granted to them by his father Robert the Stewart of the lands held of him in the shire of Renfrew*.

In the possession
of the Duke
of Montrose.

The three original charters above-mentioned came into the possession of the Duke of Montrose's family about the beginning of the present century, when they purchased the Derneley and Lennox

* Vide these three charters in the Appendix.

estates;

PART estates; and upon that occasion, many of the archives and old
II. papers belonging to the Stewarts of Derneley were delivered over
No VII. to the Montrose family, where they still remain.

The most material of these three charters, to wit, that granted by Robert the Stewart on 10th January 1361, was in the month of January 1511, enrolled in the Public Records at Edinburgh; because at that time Matthew Earl of Lennox, the heir male descended from Alexander Stewart, the youngest of the three brothers above-mentioned, had occasion to make up his titles to the lands contained in the said charter of the year 1361, as being the heir in tail of the settlement and destination therein contained; wherefore he obtained from King James IV. a charter under the great seal confirming the charter which had been granted by Robert the Stewart in 1361; in which charter of confirmation dated 18th January 1511, the charter of 1361 is verbatim inserted.

The three charters of the years 1356 and 1361, furnish very authentic evidence for ascertaining various material particulars relating to the Stewarts of Derneley in the fourteenth century.

These charters clearly prove, that in the beginning of the year 1362, there were of the Stewarts of Derneley then alive, Sir John Stewart of Derneley and his two brothers, Walter and Alexander, and likewise Robert Stewart the son and heir apparent of Sir John Stewart of Derneley, the eldest brother. And they also prove, that Alexander was the youngest of the three brothers; and as it is a certain fact (which will be proved in the sequel of this Genealogical History), that Alexander, the youngest of the three brothers, succeeded to the Derneley estate and title, it necessarily follows, that John and Walter the two elder brothers, and likewise Robert the son of John, had all of them died without leaving any male posterity; for in terms of the limitations contained in the charters 1356 and 1361, granted by Robert the High Stewart, Alexander, the youngest of the three brothers, could not possibly have succeeded to the estate while

there

there existed any elder brother, or any heir male descended from such brother.

George Crawford, in his History of the Stewarts, pp. 72, 73, has fallen into a remarkable error, by supposing two successive Sir John Stewarts of Derneley, the one the son, and the other the grandson of Sir Alan Stewart of Cruickston and Derneley. Some other genealogical writers, copying after Crawford, have been led into the same error. But the true state of the fact is, that Sir John Stewart of Derneley, and Walter and Alexander Stewart, were all of them the immediate sons of Sir Alan Stewart of Dreghorn, without any intermediate generation.

It has already been shewn from Rymer's *Fœdera*, vol. v. p. 200, that John Stewart was in the year 1340, August 1, expressly described and designed *son of Sir Alan Stewart*; and if he was the immediate son of Sir Alan, his two brothers, Walter and Alexander, must necessarily also have been the immediate sons of Sir Alan Stewart of Dreghorn.

Of this fact there happens to be a strong confirmation; for there is satisfactory evidence that Alexander Stewart, the youngest of the three brothers, was in an authentic charter expressly designed "Alexander Stewart, Knight, son of the deceased Sir Alan Stewart, Militis (Knight)." The instrument in which Alexander Stewart was thus designed was a charter granted by King David Bruce, dated 26th December 1345, (in the seventeenth year of his reign,) which charter there will be occasion in the sequel to state more particularly.

The description thus given of Alexander Stewart, as son of the deceased Sir Alan Stewart, affords double evidence that Sir John Stewart, Walter, and Alexander, were all of them the immediate sons of Sir Alan Stewart, without any intervening generation; for the relation of brothers, in which they stood to each other, being

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N^o VII.

incontestably proved, the description of John the eldest, as son of Sir Alan Stewart, or the description of Alexander the youngest of the three brothers, as son of Sir Alan, would necessarily infer that all the three brothers were the immediate sons of Sir Alan; but in the present case it so happens that there are separate proofs of both John the eldest and Alexander the youngest of the three brothers, being each of them separately described as sons of Sir Alan Stewart; therefore there cannot remain a particle of doubt, that these three brothers, John, Walter, and Alexander, were all of them the immediate sons of Sir Alan Stewart of Dreghorn.

The preceding detail has been judged necessary for two reasons: one is, that by a strange inaccuracy in the genealogical writers, some of them, as has already been observed, have imagined that there was an intermediate generation between Sir Alan Stewart, who was killed at Halidon in 1333, and Sir John Stewart of Derneley, in whose favour the charters by Robert the Stewart were granted in 1356 and 1361; and from that erroneous fact they have formed false conclusions with regard to the state of the Derneley family.

The other reason is, that some authors have supposed that John Stewart of Derneley, the eldest son of Sir Alan Stewart, had been killed at the battle of Durham in 1346.

This last supposition acquired some degree of credit, from a *conjecture* thrown out by that very accurate historian, Sir David Dalrymple, in his Annals, vol. ii. p. 325, where, after giving the names of persons killed at the battle of Durham, 17th October 1346, Sir David in his remarks upon these names, has, in a note at the bottom of the page, bearing reference to the name of a John Stewart killed in that battle, made use of these words: "I *conjecture* that Sir John Stewart of Dreghorn is meant, whose father Alan was killed at Halidon." In this passage, Sir David Dalrymple has stated what occurred

occurred to him merely as a *conjecture*; but from his well-established character for accuracy, more attention is due even to his *conjectures* than to the positive assertions of many other authors on genealogical subjects; and therefore, it has been thought proper to state at some length the evidence which completely establishes the facts, and proves that in this instance Sir David Dalrymple's conjecture was ill-founded; he never had an opportunity of seeing the original charters and other articles of evidence above referred to, otherwise he would have been the first to correct his own mistaken conjecture about Sir John Stewart of Derneley having been killed at the battle of Durham in 1346.

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II.

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The following original charters have been found in the possession of the Earl of Hopetoun, amongst the papers of the Ballincrieff estate, which in old times belonged to the said Sir John Stewart of Derneley, *viz.*

No. 1. Charter by Robert, Stewart of Scotland, by which he gave and granted to his beloved cousin Sir John Stewart, Lord of Crookiston, Knight, for his homage and service, "*totam terram nostram de Ballyncreeff cum molandino ejusdem, Balbarde et le Ynche, Coulland, Eiston, et Torbane, infra Baroniam nostram de Bathketh in vicecomitatu de Lawdonia; tenend' et habend' dictas terras cum pertinentiis prefato Domino Joanni et hæredibus de nobis et hæredibus nostris in feodo et hereditate.*"

To this charter there is no precise date, but there are several witnesses to it, whose names may be of use in leading to a discovery of the period about which it was granted; at any rate, it was granted before Robert succeeded to the crown of Scotland. The witnesses to the charter are, "*Maurice of Moray, Earl of Stratheryn, John Stewart, our brother, William of Conynghame, Robert of Erskyne, et Hugh of Eglinton, Knights; William Sympill, Reginalde of Crawford, Robert de Burgh, Thomas de Carrutherys, John de Roos, et multis aliis.*"

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N. B. This charter must have been granted before the year 1346, for Maurice of Moray Earl of Strathern, one of the witnesses to it, was killed at the battle of Durham anno 1346, as mentioned in a manuscript of George Crawford's, and mentioned likewise by Sir David Dalrymple, vol. ii. p. 219. George Crawford says, that Sir Maurice Moray of Drumsfargart was created Earl of Strathern, and was so designed in a charter by King David II. to William Earl of Sutherland; and in another to Sir Alexander Stewart of Derneley.

No. 2. Charter granted by John Stewart *Dominus de Crookstoun*, (which was a title promiscuously used with that of Derneley,) by which he grants "Dilecto confederato nostro Johanni filio Walteri dicti de Hamilton et Elizabethæ sponse suæ sorori nostræ et eorum diutius viventi, totas terras meas de Ballincriff, Elliotston, et Coulland cum pertinen' infra Baroniam de Bathgate in vicecomitatu Laudoniæ constitutas; tenend' et habend' dictas terras cum pertinen' prefat. Johi et Elisabeth sponse sue et eorum alter diutius viven' et heredibus ipsius Johis et suis assignatis de nobis et heredibus nostris in feodo et hereditate in perpetuum." To this charter, which has no date, the witnesses designed in the testing clause, are:

"Dominus Robertus de Erskine Dominus ejusdem.

"Dominus Alexander Seneschallus, frater noster, vicecomes de Lanark.

"Dominus David filius Walteri dicti de Hamilton.

"Johannes de Levingston Dominus ejusdem.

"Willielmus de Liddale.

"Willielmus de Cairnes, cum multis aliis."

Though the charter has no date, the names of these witnesses may be of use for ascertaining the date, and most probably it was granted not long before the year 1369, as the charter of confirmation thereof by John Stewart Earl of Carrick, superior of the lands, was granted in 1369, viz.

No. 3. Charter of confirmation, dated 15th January 1369, granted by John Stewart Earl of Carrick, (eldest son of Robert the High Stewart,) as superior of the lands, by which he confirms the charter which had been granted by John Stewart of Crookiston (or Derneley) to John de Hamilton and his wife, Elizabeth Stewart; and in this charter John Stewart of Crookiston, the grantor of the charter confirmed, is described as then deceased. The words used in mentioning him in the charter of confirmation are, "*Quond nobilis* "vir ac noster consanguineus Dominus Johannes Seneschallus miles "Dominus de *Derneley*."

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Hence it is evident that Sir John Stewart of Derneley, the eldest of the three brothers, had died before the 15th of January 1369. It must then have been at some period between the 10th of January 1361, the date of the first mentioned charter by Robert the Stewart in his favour, and the date of the above-mentioned charter in January 1369.

It will now be shewn, under the title of what relates to Alexander Stewart, the youngest of the three brothers, who succeeded to the Derneley estate, and carried on the line of the Derneley family, that Robert the son of John, and Walter, the immediate elder brother of Alexander, also died before the year 1371, without leaving issue male.

CONCERNING SIR ALEXANDER STEWART of Derneley, son of Sir ALAN STEWART of Dreghorn, and youngest brother of Sir JOHN STEWART of Derneley, who on the failure of his two elder brothers, Sir JOHN and Sir WALTER without issue male, succeeded to the Derneley estates, and carried on the line of the family.

THE first mention that has hitherto been discovered of this Alexander Stewart is in a charter from King David Bruce, dated 26th

of

PART of December, in the seventeenth year of his reign, (which was the
 II. year 1345,) by which he gave "*Alexandro Senescalli, Militi, filio*
 N^o VII. "*quond' Domini Alani Senescalli, Militis, dilecto et fideli nostro pro*
 "homagio et servitio suo tempore quo eum accinximus gladio
 "militari, totam firmam bladi nostris debet de Baronia de Cam-
 "busnethan cum pertinen' infra vicecomitatum de Lanark una cum
 "tenandriis sive servitiis libere tenentium Baronie predictæ quæ-
 "quidem Baronia cum pertinentiis fuerunt quond' Roberti Baird
 "Militis."

These are the very words of King David Bruce's charter to Alexander Stewart, as stated in a manuscript of the deceased Mr. Crawford of Cartsburn, brother of Mr. George Crawford the historian. Mr. Crawford of Cartsburn refers to the original charter as in the possession of Lord Sommerville, among the old papers belonging to that family; and from the manner in which Mr. Crawford so particularly relates the terms of it, with the precise date, and the place where it was to be found, it is presumable that he had himself seen that charter.

This original charter has somehow been mislaid, at least it has not hitherto been found amongst Lord Sommerville's papers. But besides the evidence arising from the manuscript of Mr. Crawford of Cartsburn, who died many years ago, and could have no interest to invent that charter by King David Bruce in favour of Sir Alexander Stewart, there is strong collateral evidence to establish its reality.

In the British Museum, No. 4609, of the manuscripts of the Harleian Collection, there is an inventory of charters which had been granted by King Robert Bruce and King David Bruce his son; and in that inventory, under the head of Charters granted by King David Bruce, there is the following article:

"No. 24. Carta to Alexander Stewart of an annual furth of the
 "barony of Cambusnethan in vicecomitatu de Lanerk."

In further confirmation of the same thing, there is in Haddington's Collections in the Advocates' Library at Edinburgh, p. 577, the following article: PART
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"Carta Alexandri Senescalli de Baronia de Cambusnethan."

In Haddington's Collections he refers to a roll of 50 charters where the above article is to be found.

There is no room therefore left to doubt of the reality of the charter of the lands of Cambusnethan granted by King David Bruce to Sir Alexander Stewart of Derneley, therein described son of the deceased Alan Stewart, Knight; and as in that charter granted in the year 1345, Alexander Stewart was himself described as a Knight, *Miles*, he must have been of age at that time, and probably had been of age several years before that period; for in the charter King David refers to some service that had been performed by Alexander Stewart at the time when he begirt him with the military sword. The precise time when that happened is not known, but it must have been prior to 1345, and Alexander Stewart must then have been of age.

The next mention of Alexander Stewart now to be stated, is in a charter to which he was one of the witnesses, and wherein he is described "Dominus Alexander Senescallus Dominus Cruick-
"istoun," viz.

Charter by Robert the High Stewart, and by his son John Lord of the barony of Kyle, in favor of the monks of Paisley, inserted in the chartulary of Paisley, folio 127 of the copy thereof in the Advocates' Library at Edinburgh.

The charter itself has no date, but Mr. Hay, in whose book a copy thereof is inserted, has supposed it to have been granted in the year 1367.

Amongst the papers belonging to Lord Ross's family in the charter room at Halket, there are two original charters granted by Robert
Stewart

PART II.
 No VII. Stewart of Scotland Earl of Stratherne, in favor of John Logan.
 To the first of these charters, one of the witnesses is "*Nobilis vir*
"Johannis Seneschall, Miles, Dominus de Cruickiston;" and to the
 last of them, one of the witnesses is "*Dominus Alexander Seneschal*
"Dominus de Derneley, Miles."*

There was probably not much distance of time between the granting of these two charters, as they were both of them granted by Robert, while Stewart, in favor of the same person, John Logan. They prove, however, that in the interval between the one and the other, Sir John Stewart Lord of Cruickiston or Derneley, the elder brother, had died, and that he had been succeeded by his youngest brother Sir Alexander Stewart then described Lord of Derneley. Unluckily, according to the prevailing custom of those times, there is no precise date specified in either of these charters; but the witnesses to them may perhaps lead to a discovery of the times at which they were granted, which would go far to ascertain the precise time of the succession of Sir Alexander Stewart to the Derneley estate. At any rate, it is certain, from all the three charters above-mentioned, that they must have been granted before March 1371, when Robert the Stewart succeeded to the crown of

* The witnesses to the first above-mentioned charter, besides Sir Alexander Stewart, Lord of Cruickiston, are "*Dominus Robertus Abbas de Kilwinning, Dominus*
"Heugo de Eglinton Dominus ejusdem, Dominus Joannes de Danielston Dominus
"ejusdem, Dominus Adam de Fullarton Dominus de Crosbey, Milites, Thomas
"Semple Dominus de Elliotston, Joannes de Maxwell Dominus de Pollock, Cosmo de
"Cowran, cum multis aliis."

The witnesses to the charter in favor of John Logan, where Sir John Stewart Lord of Cruickiston is mentioned, are "*John Abbot of Paisley, a noble person, Sir John*
"Stewart, Knight, Lord of Cruickiston, Thomas Semple Lord of Elliotston, John
"Tait, John de Monteacuto, John Gray de Estwood, et multis aliis."

The witnesses to the last of the charters in favor of John Logan, are "*Sir Alex-*
"ander Stewart Lord of Derneley, John de Danyelston Lord of the same, Knights,
"Thomas Semple Lord of Elliotston, John de Maxwell Lord of Pollock, William
"de Cochrane, John de Parc, Stephen Poller, et multis aliis."

Scotland,

Scotland, as they were granted by him in the character of *Stewart of Scotland*, which he ceased to be after becoming King of Scotland; for from that period the title and office of Stewart of Scotland devolved upon and was enjoyed by his eldest son John Earl of Carrick, afterwards known under the description of King Robert III.; and as Alexander Stewart was in one of these charters designed *Lord of Cruickston*, and in the other *Lord of Derneley*, which meant the same thing; so it follows, that before the year 1371, not only Sir John Stewart of Derneley, the eldest of the three brothers, and his son Robert, but likewise Sir Walter Stewart, the second of the brothers, had all of them died without leaving issue male; for it was their deaths that opened the succession to Sir Alexander Stewart, the youngest of the three brothers. It has already been shewn by the crown charter 15th January 1369, that Sir John Stewart of Derneley died before the date of that charter, wherein he is mentioned as then deceased. His son Robert, and his brother Walter must have died at some period between 10th January 1361, and 27th March 1371, when Robert the Stewart succeeded to the crown of Scotland.

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These three last mentioned charters likewise afford evidence that the titles of Crookiston and Derneley were synonymous; of which there are many other proofs.

Another proof concerning Sir Alexander Stewart, and the relation in which he stood to Sir John Stewart of Derneley, arises from the charter before-mentioned, granted by the said Sir John Stewart in favor of John, son of Walter de Hamilton, and Elizabeth Stewart his wife, of the lands of Ballincrieff; to which charter one of the witnesses is *Sir Alexander Stewart*, designed *Sheriff of Lanark and brother of Sir John Stewart*, the grantor of the charter; which was confirmed by the superior John Stewart Earl of Carrick on 15th January 1369.

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Nº VII.

The next mention of Sir Alexander Stewart hitherto discovered in the Public Records, is in the Letters of Safe Conduct published by Rymer, vol. vii. p. 45, dated 26th August 1374, granted by King Edward III. of England to *Alexander Stewart, Miles*, and to Walter Leslie, Miles, (who was much connected with the Derneley family,) allowing them with their men and servants, and all goods whatsoever pertaining to them, to come into England, to stay there, and to return from thence into Scotland; which safe conduct was to last till the feast of Easter then next to come.

In that safe conduct Alexander Stewart is thus described, "Dilectus Consanguineus Regis Alexander Stewart, Miles;" which description was perfectly applicable to Alexander Stewart of Derneley, as being Consanguineus Regis Scotiæ Robert II. who about three years before the date of that safe conduct had ascended the throne of Scotland.

It has not as yet been learnt at what precise time this Alexander Stewart, the son of Sir Alan, and the younger brother of Sir John Stewart of Derneley, died; but it is certain that he left a son and heir of the same name, Alexander Stewart of Derneley, who succeeded him, as will appear under the next Article, Generation VIII.

EIGHTH GENERATION.

Sir ALEXANDER STEWART of Derneley, Son and Heir of the preceding Sir ALEXANDER STEWART of Derneley.

CHARTER granted by John Earl of Carrick, wherein he is described "Johannes Illustris Regis Scotorum Primogenitus" PART
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"Comes de Carrick et Senescallus Scotiæ." Under that description he grants and confirms Dilecto Consanguineo suo Alexandro Senescalli, filio Alexandri Senescalli de Derneley, Milites, manerium capitale de Galstoun, turrim et ortos pertinen' eidem, &c. in Baronia nostra de Kyle infra vicecomitatum de Air—"quodquidem
"manerium turris, &c. fuerunt *Janetæ de Keth*, et quæ omnia et
"singula antedicta *Janeta sua pura et libera viduitate* in presentia
"plurimorum nobis tanquam Domino suo superiori fursum reddidit,
"pureque et simpliciter resignavit pro se et hæredibus suis in per-
"petuum ; tenend' et habend' prædicto eidem *Alexandro, prædictæ*
"*Janetæ sponsæ suæ* et eorum diutius viventi, hæredibus inter se-
"ipsum legitime procreatis seu procreandis, quibus forte quod absit
"deficientibus, veris legitimis hæredibus dictæ *Janetæ* quibus-
"cunque*."

This

* This charter has no date, but the witnesses to it are,

1. Alanus Senescalli Dominus de Hauchilker :

(N.B. There is reason to believe that the person here meant was Sir Alan Stewart of Ughletree or Ochiltree, who was alive at that period; which Sir Alan Stewart was son of Sir James Stewart of Pearlston, who was one of the younger sons of Sir John Stewart of Bonkyl:)

2. Johannes Senescalli filius dicti Alani :

M 2

3. Wil-

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This charter is at full length inserted in the Register of Transumpts, or Records of Council in the Record Office at Edinburgh, where it appears that upon the penult. of March 1527, the original charter had been produced to the Lords of Council, who ordered this and some other charters to be inserted in their books, and authentic copies thereof to be delivered to the parties who had presented the same*.

From the contents of the charter, it is perfectly evident, that the husband of Janet Keith of Galtoun was Alexander Stewart, the son of Sir Alexander Stewart of Derneley, and the grandson of Sir Alan Stewart; that the lands of Galtoun were her estate and property; that she had

3. Willielmus Cunyngham:

4. Adam de Fullarton; Militibus, et multis aliis.

The names of one or other of these witnesses may assist in ascertaining the date of the charter. At any rate it must have been subsequent to the 22d of February 1371, when Robert the Stewart succeeded to the crown of Scotland, as John his eldest son, the granter of the charter, is in it designed son of the King of Scotland; but there is reason to believe that the date of it was either in, or soon after the year 1371.

* It is to Messrs. Robertsons of the General Register House at Edinburgh, that the author was indebted for the discovery of those papers in the Register of Transumpts, which so incontestibly prove that there were two successive Sir Alexander Stewarts of Derneley; thereby affording the means of correcting the false and erroneous accounts hitherto given by historians and genealogists, concerning the different generations of the Derneley family; for all of them had in their accounts omitted one generation entirely.

The author is happy to take this opportunity of acknowledging his obligations to Messrs. Robertsons, and of doing that justice which is due to their public spirit, ability, and disinterestedness. He knows that in the most liberal manner these gentlemen are not only always ready to give inspection of the valuable public records in their custody, for promoting the interests of knowledge, and for assisting those who are engaged in pursuits tending to establish the truth of historical facts, or to correct errors relating to them; but that further, they have often given the benefit of their own knowledge and industry without either demanding or accepting of any pecuniary recompence. During several years the author had access to every record that he called for at the General Register House for assisting him in the investigations in which he was engaged, and it has never been in his power to prevail on Messrs. Robertsons to accept of any gratuity or recompence for the communications thus received from them.

been formerly married; and that Alexander Stewart, the son of Sir Alexander Stewart of Derneley, had married her in her widowhood, some time before the date of this charter, by which the lands were granted to them, and the longest liver of them, and to the *heirs procreated* or to be procreated between them.

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N. B. Though it appears that Janet Keith had in her widowhood resigned the lands in the hands of the superior, yet it seems probable that the above charter by John Earl of Carrick, Stewart of Scotland, the superior of the lands, was not granted till some time after the marriage, as the lands were given by him to the husband and wife, and to the children *procreated* or to be procreated of the marriage.

It is presumable that Sir Alexander Stewart of Derneley, the father, was alive at the time when the above-mentioned charter in favour of his son and Janet Keith was granted by John Earl of Carrick; though the precise time of his death has not hitherto been discovered.

There is in the Public Records, Roll 10, N^o 11, a charter dated in the year 1391, granted by King Robert III. in favour of Thomas de Sommerville, and Janet Stewart his wife, of the *lands and barony of Camnethan*; in which charter it is mentioned that these lands had been resigned in their favour by his Majesty's *beloved cousin Alexander Stewart of Derneley*, and Johanneta his wife: and the charter contains the following clause: "Reserving always to the said Alexander Stewart and Joneta his wife, and longest liver of them for the whole days of their lives, the free enjoyment of the whole of the foresaid lands."

As Alexander Stewart, the husband of Janet Keith, was in this charter designed of *Derneley*, and was in possession of the estate of Camnethan, it is evident that his father, Sir Alexander Stewart of Derneley, had died previous to that period, and probably many years before, being then at an advanced age. The lands of Camnethan

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Janet Stewart, the wife of Thomas de Sommerville, in whose favour the said charter of the year 1391 was granted, was daughter of Sir Alexander Stewart, and of his wife Janet Keith of Galstoun.

All the genealogical writers agree, that Janet Keith of Galstoun, the wife of Sir Alexander Stewart of Derneley, was the daughter of *Sir Willian Keith of Galstoun.*

As it will in the sequel be found of some consequence to ascertain what relates to Janet Keith of Galstoun, the wife of the second Sir Alexander Stewart of Derneley, it may be proper here to dedicate a few pages to that subject under a separate title.

CONCERNING JANET KEITH OR KETH, of Galstoun, the wife of the second Sir ALEXANDER STEWART of Derneley, and the daughter of Sir WILLIAM KEITH of Galstoun.

Sir Lewis Stewart, in his manuscript collections kept in the Advocates' Library at Edinburgh, p. 285, under the title of "Lord Derneley," has the following paragraph concerning Sir William Keith, and the lands of Galstoun :

" The Lord Galbraith was lord of the haill Galstoun Parochin
" and Ricartoun, as the water of Cefnok runs ; whilke Lord hade
" four daughters aires-portioners of the lands. The eldest wes
" marret to ane sone of the Lord Mershelle called Sir William
" Keithe, wha had the lands of Bathgait be his father, and fourtie
" pound lande of Galstoune by his wyfe, and had na bairnes, but
" ane daughter, wha wes marriet with the Lord Dernlie, and airt
" the landes of Darnlie ;—which aire of Darnlie marrit the aire of
" Lennox, ane heretrix."

Sir

Sir William Keith *of Galfstoun*, so described, is mentioned upon different occasions by Fordun, by Barbour, by Winton in his Chronicles, and by Sir David Dalrymple in his Annals. In these Annals, Sir David, in giving an account of the siege of Berwick in the year 1318, has the following paragraph: "The garrison of the castle, and the men who had fled into it from the town, perceived that the number of the Scots was small, and made a desperate sally; but they were repulsed, chiefly by the extraordinary valour of a young Knight, *Sir William Keith of Galfstoun*."

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It was most probably the same Sir William Keith, who, in the year 1330, accompanied Sir James Douglas in his expedition towards Palestine with the heart of Robert de Bruce. *Vide* Barbour, p. 438, where he mentions "Good Sir William Keth" as having been detained at home by a broken arm on the day when Sir James Douglas fell in battle, fighting against the Saracens in Spain. And in p. 442, it is mentioned, that Sir William of Keth brought home the bones of Sir James Douglas, and the heart of King Robert de Bruce.

This Sir William Keith was in 1333 appointed to the command of the town of Berwick (Dalrymple's Annals, p. 193); and from the same authority it appears that he was killed at the siege of Stirling, anno 1336. It is there said, "That Sir Andrew Moray earnestly pressed on the siege, but *Sir William Keith, the favorite of the army, having been slain*, the Scots abandoned their enterprise."

But Winton, in his Chronicles lately published, from p. 231 to p. 238, gives an account of the siege of Stirling undertaken by Robert the Stewart in 1339, and expressly says, that Sir William Keth of the Galfstoun was at that siege, and fell there in the year 1339, at an assault that was made a little before the castle surrendered to Robert the Stewart. The account given by Winton is very precise, and has the appearance of being accurate.

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The age of Janet Keith at the time of her father Sir William Keith's death, in 1336 or 1339, has not as yet been discovered; but as Sir William Keith distinguished himself at the siege of Berwick in 1318, and was at that time a Knight, which he could not be before the age of twenty-one, and as he was killed in the year 1336, or at the latest in 1339, it may reasonably be supposed that his daughter Janet was at the time of his death, of an age to be marriageable in a few years thereafter; allowing ten years after her father's death, may in the circumstances of the case be thought more than a sufficient allowance—that would bring the time of her being marriageable to the year 1346 or 1349.

It is certain that Janeta Keith, the daughter of Sir William Keith of Galstoun, was twice married; first to a person of the name of Hamilton, and afterwards to Alexander Stewart, the son of Sir Alexander Stewart of Derneley; and that she had several children by each of these marriages. And from the known ages of her children by Alexander Stewart of Derneley, her second husband, she must have been married to him before the year 1371. But supposing her to have been marriageable, and married to her first husband of the name of Hamilton about the year 1346, or even several years after that period, there was sufficient time for the children of her first marriage, and after the death of her first husband of the name of Hamilton, for her second marriage to Alexander Stewart, before the year 1371, and for the children of that second marriage.

By the inaccuracy and blunders of some of the genealogical writers, a degree of confusion has been introduced with regard to the two marriages of Janet Keith, and particularly with regard to the person of the name of Hamilton who was her first husband. These inaccuracies require to be cleared up and corrected.

Several of these genealogical writers, copying one after another, have stated, that the first husband of Janet Keith of Galstoun, was
Sir

Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton's family; and that she had five sons of the first marriage, and precisely the same number of sons by the second marriage. One of these writers indeed, *viz.* Sir Ludovic Stewart, in his Collections, p. 285, has said, that she was first married to Sir Alexander Stewart of Derneley, to whom she had five sons, and afterwards to the Lord Hamilton of Cadzow, to whom she bore six sons. This account is sufficiently refuted by the proof already stated, of Alexander Stewart's having married her in her widowhood, and, by the proof to be hereinafter stated, of her surviving her second husband Alexander Stewart.

Duncan Stewart and Sir Robert Douglas have said, that Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton, was her first husband. But it is quite inconsistent with established dates and facts to suppose that she ever was married either to the first or to the second Sir David Hamilton of Cadzow. She could not possibly have been the widow of the first Sir David Hamilton of Cadzow, according to the accounts given by Crawford and by Sir Robert Douglas themselves; for Crawford says, that the first Sir David Hamilton of Cadzow married *Margaret daughter of Walter Lesley Earl of Ross*; and that he, Sir David, left two sons, 1. Sir David, his eldest son and successor; 2. Walter Hamilton; and that the son, Sir David, succeeded to his father in the year 1373.

Sir Robert Douglas agrees with Crawford, that the first Sir David Hamilton of Cadzow married Margaret Lesley, daughter of Walter Earl of Ross; and he further adds, that this first Sir David died in the year 1374.

It appears therefore that if Janet or Johanna Keith was ever married to either of the Sir David Hamiltons of Cadzow, it could not have been to the first Sir David Hamilton, who had for his wife Margaret Lesley, daughter of the Earl of Ross.

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Crawford says, that the second Sir David Hamilton married Janet Keith, by whom he received a great fortune, and had by her five sons and one daughter. And Douglas says, that the second Sir David Hamilton of Cadzow married Janet or Johanna Keith, daughter and heiress of Sir William Keith of Galstoun.

But Crawford, in his account of the second Sir David Hamilton, mentions a grant which he received in the year 1376 (in the seventh year of the reign of Robert II.) of the lands of Bothwell Muir; and Sir Robert Douglas refers to two charters from the crown in favour of the second Sir David Hamilton, dated in the years 1375 and 1378, and adds in general terms, that he died before the year 1395.

These dates, particularly the dates of the charters in 1375 and 1378, make it impossible that the widow of this Sir David Hamilton could have been the person who married Sir Alexander Stewart of Derneley; for of the marriage between Sir Alexander Stewart and Janet Keith, the daughter of Sir William Keith of Galstoun, there were many children who had attained the years of maturity before 1391, and in that year the daughter of that marriage was married to Thomas Sommerville, son of William de Sommerville of Carnwath.

If any person, taking it for granted upon the authority of these genealogical writers, that Sir David Hamilton of Cadzow really was the first husband of Janet Keith, should from thence argue that we must doubt of Janet Keith's being the mother of John Stewart of Derneley, and of the other children of Alexander Stewart of Derneley, because the time at which Sir David Hamilton of Cadzow, her supposed first husband, died, does not admit of it; the answer is obvious, that the ascertained facts with regard to the children of the marriage between Alexander Stewart and Janet Keith, and the marriage of one of them in 1391, afford sure ground for concluding, that Sir David Hamilton of Cadzow was not the first husband of Janet Keith; but the random assertions of some inaccurate genealogical writers,

writers, without appealing to any evidence in writing, cannot establish the fact of Sir David Hamilton's having ever been the husband of Janet Keith, the daughter of Sir William Keith of Galstoun, in opposition to the weight of evidence on the other side.

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But further, it will appear that this supposition of the genealogical writers abovementioned, has taken its rise from a mistake occasioned by a similarity of names. Sir David Hamilton of Cadzow, the second of that name, the ancestor of the Duke of Hamilton, married indeed a person of the name of *Janet Keith*, but it was not Janet Keith the daughter of Sir William Keith of Galstoun, but *Janet Keith daughter of Sir William Keith Marisball of Scotland*; and by her he had five sons and a daughter. It is expressly stated by Crawford in his Peerage, p. 188, that Sir David Hamilton of Cadzow married Janet Keith, *daughter of Sir William Keith Marisball of Scotland*; while the same author, p. 258, under the title of Stewart Duke of Lennox, states that "Alexander Stewart of Derneley married *Janet daughter and heir of Sir William Keith of Galstoun.*"

Thus it is plain that Janet Keith, the daughter of Keith Marisball of Scotland, was a different person from Janet Keith daughter of *Sir William Keith of Galstoun.*

The tree of the family of Hamilton, kept in the Duke's house at Hamilton, expressly says, that "David Lord Hamilton, (that is, Sir David Hamilton of Cadzow,) son of the former David Lord Hamilton, married Lady Janet Keith, *daughter of the Right Honourable Earl Marisball of Scotland.*"

A manuscript history of the family of Hamilton, in the possession of Mr. Hamilton of Dalkeith, agrees in the same account, that Sir David Hamilton married Dame Janet Keith, daughter to the Lord Keith.

And another manuscript pedigree of the house of Hamilton, which seems to have been drawn up with great precision by a Mr.

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Hamilton of the Wisshaw family, and was furnished to the author by Dr. Anthony Hamilton of that family, specifies that the second Sir David Hamilton married Janet daughter of Sir Edward Keith, Lord Marishall of Scotland.

In Nisbett's Heraldry, vol. ii. Appendix, p. 1. there is a genealogical account of Keith, Marishall of Scotland, from the genealogical history of the family, and other documents, and in p. 5. of that account there is the following article: "Sir Edward Keith, Marishall, the second of that name, was by King Robert II. created Lord Keith about the year 1380, as appears from charters yet extant in the family, all his progenitors being made knights on account of their office. We have no certain account whom he married, only by a note of the initial letters of all the chiefs of this family and their ladies painted in a hall of the castle of Dunoter, we find her pointed out thus, 'D. M. M.;' by her he had Lord William, who succeeded, and Janet, who married Sir David Hamilton, predecessor to the Duke of Hamilton."

All these authorities concur in the material fact, that Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton, married a Janet Keith, daughter of Keith Marishall of Scotland; though some of them have given to her father the name of William, and others that of Edward. Upon the whole, therefore, there can be no doubt that Sir David Hamilton of Cadzow did not marry Janet Keith, *the daughter of Sir William Keith of Galfoun.*

Neither can there be any doubt that Janet, the daughter of Sir William of Galfoun, had married for her first husband a person of the name of Hamilton, who most probably was of one of the various collateral branches of the Hamiltons of Cadzow*.

There

* There is authentic evidence of many collateral branches of the Hamiltons of Cadzow; particularly it appears from the different trees of the Hamilton family, that Sir Gilbert de Hamilton, who obtained from Robert de Brus a grant of the barony

There is positive and unquestionable evidence of Janet Keith's having had two sons by that first marriage, to wit, Andrew and William; but there is no certain evidence of her having had more than these two sons, unless it be admitted that John de Hamilton of the Ross was also a son of her's.

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That Janet Keith of Galfstoun had of her first marriage two sons of the names of Andrew and William Hamilton, is positively proved by two charters in the Public Records at Edinburgh, viz.

Charter, dated 10th February 1406, by Robert Duke of Albany Governor of Scotland, confirming a charter dated 11th December 1406, granted by Johanna Keith de Gallystoun, to *Andrew de Hamilton son of the said Johanna*, of certain parts of the lands of Gallystoun in the barony of Kyle and shire of Air. The charter confirmed is verbatim inserted in the charter of confirmation; it begins thus: "Omnibus hanc cartam visuris vel audituris Johanna

Records,
Roll xi. Nº 17.

barony of Cadzow, and who was killed at Bannockburn in 1314, had two sons, whereof the eldest was Sir Walter de Hamilton, and the second was Sir John de Hamilton of Rossaven, who in some of the Genealogical Histories is described as ancestor of the Hamiltons of Preston and its branches. Sir Gilbert had also a son of the name of Hugo, who is witness to a charter granted by John Logan, to which charter the witnesses are Walterus filius Gilberti, et Hugo frater ejusdem. This charter is in the possession of the Robertsons of Earnock.

Sir Walter de Hamilton, the son of Gilbert, who succeeded to his father in 1314, and who obtained from Robert de Brus, a grant of the barony of Kinniel in 1324, and who appears to have been at the battle of Halidonhill in 1333, had also two sons, whereof the eldest was Sir David Hamilton of Cadzow, and the second, John Hamilton, who before the year 1369, as appears from two charters hereinbefore mentioned, had married Elizabeth Stewart, sister of Sir John Stewart of Derneley; and of that marriage the son and heir was Sir Alexander Hamilton, who married Lady Elizabeth Stewart daughter of Thomas Stewart Earl of Angus; from whom are descended the Hamiltons of Innerweek, and the Earl of Haddington, &c.

There is reason to presume that the first husband of Janet Keith of Galfstoun was the first mentioned John de Hamilton of Rossaven, second son of Sir Gilbert de Hamilton, or his brother Hugo, or one of that family.

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“ de Keth, Domina de Gallyston salutem :—Noveritis me in libera
“ viduitate mea, &c. dedisse et concessisse, et hac presenti carta mea
“ confirmasse, *charissimo filio meo Andreæ de Hamilton*, pro suo ser-
“ vitio et auxilio mihi impensis et impendendis, omnes et singulas
“ terras meas de Gallyston infra scriptis, scilicet terras de Tholock
“ de Uermomunde, terras de Langsyde cum servitio tenend’ de
“ Golgoff, terras de Bryntwood, terras de Sorne, terras de Kylston,
“ terras de Dundebane cum pertinen’ in baronia infra vicecomi-
“ tatum de Are.” The testing clause of the charter is in these
words: “ In cujus rei testimonium figillum meum præsentî cartæ
“ meæ est appensum apud Dalseef, undecimo die mensis Decembris,
“ anno Domini 1406. His testibus, Domino Willielmo de Cu-
“ nyngam, tempore illo vicecomite de Are, Willielmo Baillie
“ domino de Barnburne, Willielmo de Dalziell domino ejusdem,
“ *Willielmo de Hamilton filio meo*, Militibus, Hugone Cambell do-
“ mino de Loudoun, *Johanne Senescall filio meo domino de Cruicki-*
“ *stoun*, Jacobo de Conyngam, Johanne Campbell de Gallystoun,
“ cum multis aliis.”

Records,
Roll xi. No 38.

The other charter in the Public Records is dated 24th March
1407, and was granted by Robert Duke of Albany, in favour of
“ Dilectus consanguineus suus Willielmus de Hamilton, Miles;”
by which he confirms “ Donationem et concessionem illas quas
“ dilecta consanguinea nostra Janeta de Kecht, domina de Gallys-
“ toun in sua simplicia viduitate constituta fecit et concessit dilecto
“ consanguineo nostro *Willielmo de Hamylton, Militi, filio suo*, de
“ omnibus et singulis terris suis villæ de Bathkat cum pertinen’
“ et de omnibus aliis terris suis, cum pertinen’ jacen’ in dominio
“ de Bathkate, in constabulario de Linlichtu infra vicecomitatum
“ de Edinburgh.”

These two charters prove beyond dispute, that Janet Keith had
by her first marriage to a person of the name of Hamilton, two
sons,

sons, Andrew and William, to whom she gave the lands severally above-mentioned.

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They further prove that Janet or Johanna Keith had survived her second husband Alexander Stewart of Derneley, and that he must have died before the year 1406; for her charter, granted in that year, bears to have been granted in her pure widowhood.

These charters likewise prove that Johanna Keith had sons, both to her first husband of the name of Hamilton, and to her second husband, Sir Alexander Stewart of Derneley; for besides describing Andrew and William de Hamylton as her sons, she likewise, in the testing clause of her charter to Andrew de Hamilton, describes John Stewart Lord of Cruickstoun as her son; which serves to confirm the history given concerning her two marriages, and her having children of both.

Of the marriage between Sir Alexander Stewart of Derneley, and Janeta Keith, there were five sons and one daughter, *viz.*

- I. JOHN, who, upon the death of his father Sir Alexander, was promiscuously designed of Derneley or of Crookiston; and who having gone to the wars in France to the assistance of Charles the VIIth, received a grant of the lordship of Aubigny in France, and was killed during the siege of Orleans in February 1428-9.
- II. WILLIAM, who engaged with his brother John in the wars of France, and was killed in the same battle during the siege of Orleans.
- III. ALEXANDER, sometimes designed of Torbane, and sometimes of Galliston.
- IV. ROBERT, to whom his father Sir Alexander gave the lands of Newton of Westoun in the shire of Lanerk.

V. JAMES,

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V. JAMES, who is mentioned in the same grant of these lands as son of Sir Alexander Stewart.

And one Daughter, JANET, who, as above-mentioned, was married in the year 1391, to Thomas de Sommervill of Carnwath, and subsequent to the marriage received a charter of the lands of Camnethan proceeding from the gift of her father Sir Alexander Stewart of Derneley.

Of the existence of these five sons of the marriage between Alexander Stewart and Johanna or Joneta Keith, there are unquestionable proofs from old charters and other documents, over and above the testimony of all the genealogical writers who have mentioned these five sons, and in the order above set down. In the sequel there will be occasion to state these proofs, according to the order of time in which they disclose themselves.

There is still extant, and in the possession of Mr. Hamilton of Wisshaw, an original decret of the Baron Court of Camnethan, held at the Quarrel-hill on the 13th of October 1390, "Coram Domino Alexandro Seneschallo Domino dictæ Baronie," at the instance of Sir Alexander against John Franks of Frankesland, who obtained absolvitor on the verdict of an inquest, and the decret bears that the witnesses present with Sir Alexander upon this occasion, were

Nobiles et Potentes Viri.

Dominus Willielmus de Somervell Dominus de
Carnwyth,

Johannes de Hamylton Dominus de Rofs,

Willielmus Seneschalli,

Alexander Senescall Dominus de Gallistoun,

Robertus Seneschall.

} Milites.

Wilhelmus de Montgomery et Hugo de Akeston, cum aliis testibus ad premiss. vocat specialiter et rogat.

The

The business which gave rise to the above meeting in October 1390, appears to have been of some pecuniary consequence to Sir Alexander Stewart of Derneley, who in the decret is stiled Lord of the Barony of Camnethan; and it appears that he was personally present, and attended by some of his nearest relations and friends.

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Of the seven persons named as present, three of them were his own sons, Sir William Stewart, Alexander Stewart of Galliston, and Robert Stewart; another of them was Sir William de Sommervell, the father of Thomas de Sommervell, who in the year 1391 became the son-in-law of Sir Alexander Stewart; and there is reason to think that *John de Hamylton Lord of Ross*, one of the witnesses who at this time attended Sir Alexander Stewart, was a son of Janet Keith by her first marriage with a person of the name of Hamilton*.

In

* John Hamilton of Rossaven, or Ross, was, as stated in several pedigrees of the Hamilton family, the second son of Sir Gilbert de Hamilton, who obtained from King Robert Bruce a grant of the barony of Cadzow, and who was killed at Bannockburn in 1314. In point of chronology that John Hamilton might well be the first husband of Janet Keith of Galstoun, supposing her to have married some years after her father's death in 1336 or 1339. If her husband was John Hamilton of Rossaven, their son would naturally have the title of Rossaven, or Ross, or de le Ross; and we see that one of the friends of Sir Alexander Stewart of Derneley, at the above-mentioned meeting at Camnethan in 1390, where he seems to have been surrounded by his sons and connexions, was *John de Hamylton Lord of Ross*. It is therefore natural to suppose, that he was the son of the wife of Sir Alexander Stewart, Janet Keith, by her first marriage with a person of the name of Hamilton: if so, he must have been older than any of her sons by Sir Alexander Stewart, and accordingly we see that he is mentioned before any of the three sons of Sir Alexander Stewart present on the same occasion, and is described as Miles, which was an honor given only at a certain age.

What renders the above conjecture more probable is, that there is amongst the papers of Lord Hopeton's family at Hopeton House, a charter of confirmation granted by Sir John Stewart of Derneley, the eldest son of the said Sir Alexander Stewart, confirming a charter granted by John, son of Walter de Hamylton of the lands of Ballincrieff, in favour of his son Alexander de Hamylton; and in that charter of confirmation by Sir John Stewart of Derneley, the testing clause is in these words: "In cujus rei testimonium sigillum meum presenti cartæ meæ confirmationis est appensum, his testibus, Domino Johanne de Rose Domino de Hawkeds, Johanne de Hamilton de Bardowie, *Johanne de Hamylton de Ross, Mi-*

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In the Chartulary of Paisley, pages 239, 240, there is a charter dated in the year 1397, granted by John Blair of Adamtown to the Monks of Paisley, to which one of the witnesses is "Robert Stewart son of Sir Alexander Stewart, Knight, Lord of Derneley."

There is further evidence concerning Robert and James Stewarts, as being both of them sons of Sir Alexander Stewart of Derneley; for in the Charter-room of Dryden, amongst the papers belonging to the families of Lockhart of Lees, and Lockhart of Carnwath, there are the following original charters:

Charter by Alexander Stewart of Derneley in favor of his son Robert Stewart and the heirs male of his body; whom failing, to James Stewart, another son of Alexander Stewart of Derneley, and the heirs male of his body; whom failing, to revert to Sir Alexander Stewart himself and his heirs, of the Five Pound Land of old extent of Newtown of Westoun in the barony and parish of Wyftoun and shire of Lanerke.

This charter has no date, but the charter of confirmation thereof by James de Sandylands of Calder, the immediate superior of these lands of Wyftoun, in which the original charter by Alexander Stewart of Derneley is verbatim inserted, is dated the 7th of October 1399.

And there is further, amongst the title deeds at Dryden, a charter of confirmation by the Crown, dated 18th October 1399,

"*litibus, Andrea de Hamylton, Alexandro Seneschale fratribus meis, et Hugone de Alderston, cum multis aliis.*"

The expression of *fratribus meis* applies at least to Andrew de Hamylton and Alexander Stewart, but it may likewise be applicable to John de Hamylton of Ross, mentioned immediately before Andrew de Hamylton. If so, then that would at once decide the point, that John de Hamilton of Ross, who was witness to this charter by Sir John Stewart of Derneley, and who was also one of the friends present with Sir Alexander Stewart of Derneley at the Baron Court in 1390, was son of Janet Keith by her first husband of the name of Hamilton, and would infer that her first husband must have been John de Hamilton of Rossaven, or Ross, the son of Sir Gilbert de Hamylton.

in which both the original charter by Alexander Stewart of Derneley, in favor of his sons Robert and James, and the confirmation thereof by James de Sandielands, are verbatim ingrossed; and as in these two charters of confirmation Sir Alexander Stewart of Derneley is not described as then deceased, it is presumable that he was alive in the end of the year 1399.

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These charters prove clearly that Robert and James were both of them sons of Sir Alexander Stewart of Derneley; and as the charter in their favor gave the lands to Robert and his heirs male; whom failing, to James and his heirs male; whom failing, to return to Alexander Stewart himself and his heirs; it is from thence presumable that they were the youngest of the sons of Sir Alexander Stewart; the grant of these lands of Newtown of Wyftoun being meant as a provision to them successively. And this agrees with the account given by Duncan Stewart and the other historians, who have placed Robert and James Stewarts as the youngest of the sons of Sir Alexander Stewart of Derneley, of his marriage with Janet Keith; though some of these historians had expressed a doubt concerning the son James, because they had seen no evidence to ascertain the existence of a son of the name of James.

With regard to Alexander Stewart, the third son of Sir Alexander Stewart of Derneley, the said decret of the Baron Court of Camnethan in October 1390, where Alexander is described Dominus de Gallistoun, and placed immediately next to William Stewart, would of itself afford a strong presumption at least of his being one of the sons of Sir Alexander Stewart of Derneley; but this presumption meets with a complete confirmation from a charter granted by Sir John Stewart of Derneley, the eldest son of Sir Alexander, in favor of John de Hamilton, son of Sir Walter de Hamilton, in the beginning of the 15th century; to which charter Alexander Stewart is one

PART of the witnesses, and is described as brother of Sir John Stewart of
II. Derneley, the granter of the charter.
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Thus, then, complete legal evidence in writing has been given of the existence of four of the younger children of Sir Alexander Stewart of Derneley, to wit, Alexander, Robert, and James Stewarts, three of the younger sons, and one daughter, Janet, married in 1391 to Thomas de Sommerville. All these were children of the marriage between Sir Alexander Stewart of Derneley and Janeta, Johanna, or Johanneta Keith or Keth of Galstoun; for in different charters and other deeds she is thus variously named or described*.

It remains therefore, only to state the proofs relating to Sir John Stewart of Derneley, the eldest son of the marriage between Sir Alexander Stewart of Derneley and Janet Keith; and those relating to his immediate younger brother William Stewart.

In the sequel it will appear how material it is to ascertain that Sir Alexander had two sons of the names of John and William, whereof John was the eldest, and William the second of his sons, and to prove that each of these sons left descendants in the male line, pointing out at the same time who these descendants were.

To these objects the remainder of this Genealogical History will be confined.

* There are many instances both in England and Scotland of the words Janeta, Johanna, and Johanneta being made use of promiscuously to express the same name. There is a declaration of the Court of King's Bench in the 32d of Elizabeth, by which it was agreed that *Jane* and *Joan* were all one. Janet is a diminutive of Joan, as little or pretty Joan. Vide p. 159 of the History of Westmoreland by Nicholson and Burn.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART THIRD.

Containing the Proofs relating to Sir JOHN STEWART of DERNELEY, eldest Son of Sir ALEXANDER STEWART, and the first Lord of Aubigny in France of the Stewart line; and also those relating to his Brother WILLIAM, both of whom engaged in the Wars in France, where they lost their lives in the same battle during the siege of Orleans in February 1428-9.

NINTH GENERATION.

BRANCH FIRST.

Concerning Sir JOHN STEWART, and his Brother Sir WILLIAM, *before their Expedition to France.*

SIR ALEXANDER STEWART of Derneley was alive in the year 1399, as appears from the charter before-mentioned, (in Part Second,) granted by him in favour of his son Robert Stewart, of the Lands of Newtoun of Wystoun; and from the two charters of confirmation

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confirmation thereof, the one by James de Sandielands of Calder, dated 7th October 1399, and the other by King Robert III. dated 18th October 1399; in both which Charters of Confirmation, Sir Alexander Stewart is mentioned without describing him as a person then deceased. But it is certain that he died within a short space after that period; and that his wife Dame Janet Keith, or Keth, survived him.

Sir John Stewart of *Derneley*, so described, is witness to a charter or grant, dated 5th May 1404, by Robert Duke of Albany to Colin Campbell Lord of Lochow of the lands of Strathachy, within the barony of Cowal-Stewart*. This description of him shews that on the 5th of May 1404, he was the proprietor of the *Derneley* estate, consequently that his father Sir Alexander Stewart of *Derneley* had died before that time. But if there should be any doubt on that point, the charter before-mentioned, dated 11th December 1406, granted by Janet Keith in favour of her son Andrew de Hamilton, of certain parts of the lands of Galstoun, puts it out of doubt, that Sir Alexander Stewart had died before that period at least; for the charter declares that Janet Keth, the granter of it was then in her widowhood. The witnesses to that charter by Janet Keith, are two of her sons, who are thus described: "Willielmus de Hamyltoun, filius meus, Miles; et Joannes Senefcallus, filius meus, dominus de Cruickston."

Though the title and possession of Cruickston, or *Derneley*, (which meant the same thing,) did not belong to Sir John Stewart till after the death of his father Sir Alexander; there can be no doubt, that even during his father's life, he was in possession of landed estates, and from one or other of these would have a title during his father's life.

* This charter is mentioned by Craufurd in his *Officers of State*, p. 42; and he there refers to it as in the possession of the Duke of Argyle.

If this matter were left merely to conjecture, there would be reason to presume it from the following circumstances: First, That it is known with certainty that during the life of Sir Alexander Stewart, the Derneley family had very great and extensive possessions in several different counties in Scotland. Secondly, That it is proved from ancient charters still extant, and from the Records, that Sir Alexander Stewart had, during his own life, given estates in land to his younger sons Alexander, Robert, and James, and to his daughter Janet, upon her marriage; whence it must reasonably be inferred, that he had also given estates in land to his two eldest sons Sir John and Sir William.

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The following estates unquestionably belonged to the Derneley family at that period:

In the county of Renfrew, they had the lands of Cruickiston, or Cruickinfee, and others, commonly known under the description of the Derneley Estate.

In the county of Lanark, they had the lands and estate of Camnetan; the Five Pound Land of Newton of Wyfton; several lands in the lordship of Avendale, and others.

In the county of Air, they had the estate of Galstoun, acquired by Sir Alexander Stewart's marriage with Janet Keith of Galstoun, besides the lands of Dreghorn and others, which had belonged to Sir Alan Stewart of Deghorn, one of the ancestors of the Derneley family.

In the county of Linlithgow they had the lands of Ballincrieff, Bathgate, Torbane, and various other lands.

In the lordship of Annandale and county of Dumfries, they had the lands called the Two Thirds or Forty Merk Lands of Castelmyle, and the Ten Merk Lands of Brommel, held by them immediately of and under the Lords of Annandale.

The lands and estates of Cassiltoun in the shire of Lanark, and of Finnart, or Finnart-Stewart in the shire of Renfrew, appear

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appear also to have belonged to the Derneley family, at least to one of the branches of that family, at a very ancient period.

It has been shewn that on the marriage of Sir Alexander's daughter Janet to Thomas de Sommerville, son and heir of William Sommerville of Carnwath, Sir Alexander gave to her and her husband in the year 1391, and the heirs of the marriage, the valuable barony of Camnethan in Lanarkshire, which of itself shews that he must have been an opulent man, as he had at that time five sons to provide for.

It has also been shewn that part of the lands of Galstoun had, before the year 1390, been given to Alexander the third son, as he was designed Dominus de Galstoun in the decree of the Baron Court at Camnethan that year.

And that the Five Pound Land of Newton of Wyfton was in the year 1399, given by Sir Alexander to his two youngest sons Robert and James successively; and failing them and the heirs male of their bodies, to return to Sir Alexander Stewart and his heirs; these lands being evidently meant as a provision for these two younger sons Robert and James.

It cannot, therefore, be doubted, that Sir Alexander had in his own lifetime made some provision for his two eldest sons, Sir John and Sir William Stewarts, which surely would not be less considerable than what he had given to his youngest sons, especially as both Sir John and Sir William had a certain rank and character to support, both of them having at an early period attained the honor of Knighthood; an honor highly prized in those days.

The proprietors of lands in ancient times had not much circulating cash or personal estate to give away; it was by grants of lands that they generally made provision for their children. These grants

grants were sometimes made absolute; sometimes redeemable on payment of a sum specified; and sometimes with clauses of return to the eldest branch of the family and their heirs, on failure of the grantee and the heirs male of his body; and they were generally given to be held of and under the eldest branch of the family, the granter and his heirs.

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It was in Sir Alexander Stewart's own lifetime that his eldest son Sir John married Elizabeth, second daughter of Duncan Earl of Lennox—a noble alliance: in consequence of which, the estates of the Earldom of Lennox afterwards came to the Derneley family. That marriage happened about the year 1392*; and it furnishes an additional reason for presuming that at that time Sir John Stewart was either put in possession, or already had been in possession of lands and estates of considerable value. This would have been made more apparent if the contract of marriage, hitherto sought after in vain, had been discovered.

There is an unfortunate chasm in the Records of Scotland applicable to the period in which Sir Alexander Stewart lived, as well as during several of the years which preceded and followed that period; many original charters and other ancient papers have perished from the injury of time: and the chartularies and other papers relating to the lordship of Annandale, in which the lands of Castelmilk lie, have either been lost or mislaid, at least not yet discovered, otherwise it would have been more easy to specify the

* Duncan Earl of Lennox had three daughters, whereof the eldest, Isabel, married in 1392 Murdoch, son and heir of Robert Duke of Albany; for which reference is made to an indenture 17th February 1391-2, between Duncan Earl of Lennox and Robert Earl of Fife, (afterwards Duke of Albany,) in the possession of the Earl of Panmure. Margaret, the youngest daughter married in 1392 Robert Monteith of Rusky; as appears from the papers in the contest for the Earldom of Lennox. The precise date of the marriage of Elizabeth the second daughter, to Sir John Stewart of Derneley, has not yet been learnt with certainty, but it is presumed to have been in or about the same year (1392).

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several lands which were granted to and enjoyed by Sir John Stewart and by his brother Sir William during the lifetime of their father, and to have shewn in what manner they were granted. But notwithstanding these disadvantages it will be shewn in the sequel, that in the course of much investigation occasional discoveries have been made of some ancient original papers, which clearly indicate some of the lands which belonged to and were enjoyed by Sir John Stewart and his brother Sir William during the life of their father Sir Alexander Stewart of Derneley; and particularly that this is the case with regard to the *Forty Merk Lands of Castelmilk in Annandale*, commonly described the *Twa-part of the lands of Castelmilk*, held of the Lords of Annandale; and the lands of Clump-ton and others in the barony of Avendale, held under the Lords of the barony of Avendale in Lanarkshire.

Amongst the Derneley papers in the possession of the Duke of Montrose there has been found an original indenture or deed of obligation, dated in the year 1387, in which Sir John Stewart (who after the death of his father Sir Alexander became Sir John Stewart of Derneley) is designed *Sir John Stewart Lord of Castelmylke*. The deed wherein he is so designed is dated at Bothwell in May 1387, and was granted by William de Sandielands, son of the deceased John de Sandielands Lord of Errockbryne, wherein he acknowledges himself to be bound to a nobleman, Sir John Stewart Lord of Castelmylke, "Nobili viro Domino Jobanni Seneschall Domino de Castelmylke," in one hundred merks sterling good and lawful money, &c.; and he thereby grants to him "a certain annual sum to be paid out of certain lands until he should pay to the said John Stewart the said one hundred merks sterling, at a term of Whitsunday, at the parish church of Camnethan." From this it appears probable that Sir John Stewart then resided at Camnethan, which belonged to his father Sir Alexander Stewart, as has already been mentioned.

Sir

Sir John Stewart could not possibly have been designed Lord of Castelmylke in 1387, if at that period he had no connexion with these lands of Castelmylke.

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But in confirmation of the propriety of that designation or description, there has been discovered in the same repository of the Derneley papers in the Duke of Montrose's possession, an original paper executed upon the 24th of October 1470, by Alexander Duke of Albany, under the title and description of Lord of Annandale, by which he grants to his beloved cousin John Lord Derneley, (who was grandson of the said Sir John Stewart of Derneley,) 1950 merks to be uplifted out of the *Twa-part of the lands of Castelmylke* and Brummell, lying within his lordship of Annandale, and being in his hands as Lord of Annandale, all the time of thirty-nine years bygone since the decease of Sir John Stewart of Derneley, in default of entry of the said Sir John's heirs.

This authentic deed granted by the Duke of Albany as Lord of Annandale, amounts to an express declaration and proof that these lands of Castelmylke and Brummel had belonged to Sir John Stewart of Derneley, (who was killed in France in the year 1429,) held by him immediately of and under the Lords of Annandale, and that he was at the date of the grant, in 1470, the last vassal who had made up his titles to them in a proper feudal manner by investiture from the superior the Lord of Annandale; in consequence of which neglect of his successors, the lands had been in non-entry for the space of thirty-nine years bygone since his decease.

The import and consequence of this deed from Alexander Duke of Albany as Lord of Annandale, in favor of John Stewart Lord Derneley, the grandson of Sir John Stewart of Derneley, will be more particularly stated in Part IVth, No. XI. relating to that John Stewart Lord Derneley, where there will be occasion to state in what manner he made up his titles to the lands of Castelmylke, and other lands which had belonged to his grandfather Sir John Stewart.

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It is sufficient in this place to take notice that the two original papers abovementioned, and various other particulars of evidence to be hereinafter stated, afford complete and satisfactory proof that the forty merk lands of Castelmylke in Annandale did actually belong to Sir John Stewart, the eldest son of Sir Alexander Stewart of Derneley, and that he Sir John Stewart had made up his titles to these lands, and had been received by the Lord of Annandale as his vassal therein.

At what precise period it was that Sir John Stewart thus made up his titles to these lands of Castelmylke, and was received by the Lord of Annandale as his vassal therein, cannot now be ascertained, as the records and chartularies which belonged to the ancient lordship and regality of Annandale have been either lost or mislaid, and most of the title deeds in favour either of Sir Alexander Stewart of Derneley, or of his two sons Sir John and Sir William Stewarts, have perished, or at least have not hitherto been traced to the repositories of those who may happen to be possessed of them; but it is most probable that Sir John Stewart had made up his titles to these lands of Castelmylke before the year 1387, as it appears that in that year he was designed *Lord of Castelmylke*.

But it is certain that the *property* of these same lands of Castelmylke was, at some period between the year 1387 and 1398, transferred to Sir William Stewart, the *superiority* of these same lands remaining with the said Sir John Stewart; for while Sir John and all the descendants from him continued to hold the lands of Castelmylke immediately of and under the Lords of Annandale, Sir William Stewart, and all the descendants from him who inherited the property of the lands and estate of Castelmylke in Annandale, uniformly held these lands of and under Sir John Stewart of Derneley, and his descendants Lords Derneley and Earls of Lennox, as will manifestly appear from the charters and precepts of clare constat to be hereinafter mentioned.

The

The precise time when the property of the lands of Castelmylke was transferred to Sir William Stewart does not now appear, but it is certain that it must have been before the year 1398, for in that year he was described "Willielmus Seneschall de *Castelmylke, Miles.*" This was upon a memorable occasion, when under that designation he was one of the sureties given on the part of Scotland for the preservation of the peace of the western marches, in consequence of a truce or treaty of peace agreed upon between England and Scotland in the year 1398, which is preserved in Rymer's *Fœdera*, tom. viii. p. 58. The other persons therein mentioned as sureties along with Sir William Stewart were Sir John de Johnson (ancestor of the Marquis of Annandale), Sir John Carlile, &c. which shews that the situation in which Sir William Stewart then appeared as one of the sureties for keeping the peace of the western marches of Scotland, where the lands of Castelmilk were situated, was considered as an honourable employment, and suitable for a son of Sir Alexander Stewart of Derneley, and a brother of Sir John Stewart.

From and after the year 1398, the title of Castelmilk remained with Sir William Stewart and his heirs, of which many instances and proofs will be given in the sequel.

It is plain that the grant of the property of the lands of Castelmylke in favour of Sir William Stewart had not proceeded directly from the Lords of Annandale, otherwise the lands would have been given to him to be held, not under another superior, but immediately of and under the Lords of Annandale themselves; and the renewal of the investitures to the heirs of Sir William Stewart would have proceeded from them. But it is certain that neither Sir William Stewart, nor any of the descendants from him ever received any charter or precept of clare constat from the Lords of Annandale. On the contrary, that they uniformly held the lands of Castelmilk immediately of and under the descendants from Sir John Stewart of

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Derneley, the Lords Derneley and Earls of Lennox, and from them received the investitures under which they enjoyed the lands.

Hence it follows, that when the first Sir William Stewart of Castelmilk got the property of these lands, it must have been by a grant either from his father Sir Alexander Stewart of Derneley, or by a grant from his elder brother Sir John, who in the year 1387, had been designed *Lord of Castelmylke*. Whether the grant proceeded from the father or the brother, the lands of Castelmylke have been given to William to be held by him and his heirs immediately of and under the granter and his heirs; and in this way it naturally and necessarily happened that the first Sir William Stewart, and all the descendants from him uniformly held these lands of Castelmilk of and under the elder branch of the family, the Stewarts of Derneley and the Earls of Lennox, who were the heirs both of Sir Alexander and of Sir John Stewart of Derneley; while at the same time the Stewarts of Derneley and the Earls of Lennox continued to hold these same lands of Castelmilk of and under the Lords of Annandale, and received from them the renewals of the investitures for these lands, till upon the annexation of the Lordship of Annandale to the crown in the year 1487, upon the forfeiture of the Duke of Albany the last Lord of Annandale, the Derneley and Lennox family became vassals to the Crown for these lands of Castelmilk, and after that period received their charters and investments of them directly from the Crown.

Though it makes no difference as to the result of the present inquiry, whether it was from Sir Alexander the father or from Sir John Stewart the brother, that Sir William Stewart received the grant of the property of the lands of Castelmilk, yet the most probable conjecture is, that it was from Sir John Stewart the brother that he received that grant; for it has been shewn, that so early as the year 1387, Sir John was Lord of Castelmilk, which must have happened either in consequence of a grant from his father Sir Alexander

Alexander Stewart, or in consequence of a grant from the Lords of Annandale. Whether it was in the one shape or in the other, any grant of the property of these lands after the year 1387 must have proceeded from Sir John Stewart; and as it was several years after the year 1387 before Sir William Stewart appears to have been designed of Castelmilk, it is reasonable to conclude that the grant in his favour of the property of these lands proceeded from his elder brother Sir John *.

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It appears from the investitures of the lands of Castelmilk granted by the heirs of Sir John Stewart to the heirs of Sir William Stewart, that the lands had been originally given off to Sir William Stewart to be held by the military tenure of wardholding, and Sir William's heirs continued to hold them by that tenure till the year 1579, when the tenure of these lands was changed from the wardholding by a

* There is more than one instance in the Derneley family of the elder brother making a grant of lands in favour of a younger brother, under condition that the lands were to be held of and under the granter and his heirs, and likewise under the condition, that the lands were to be enjoyed by the grantee and the heirs male of his body, whom failing, to return to the granter and his heirs. Thus in 1450, there was a charter dated 13th of May 1450, granted by John Stewart Lord of Derneley, by which he gave to his dearest brother Alexander Stewart, all and haill his lands of *Dreghorn* in the shire of Air, "pro suis servitiis concilio et auxilio mihi sapius impensis et impendendis; tenend' & habend' prædicto Alexandro et hæredibus suis masculis de corpore suo legitime procreatis vel procreandis. Quibus deficien' mihi & hæredibus meis quibuscunque, de me et hæredibus meis in feode," &c. This grant by John Lord Derneley to his brother Alexander, was confirmed by crown charter 16th of May 1450, in the Public Records, Book iv. N° 23.

It was most probably by a grant in similar terms, and with a similar limitation to heirs male of the grantee, that the lands of Castelmilk in Annandale were originally given by Sir John Stewart of Castelmilk and Derneley, to his immediate next brother Sir William Stewart.

In the year 1452, the said Alexander Stewart further received from his brother the said John Stewart, a grant of the lands of Galliston in the shire of Air, as appears from a charter of confirmation thereof from the crown, dated 27th of June 1452, in the Public Records, Book iv. N° 296.

charter

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charter of novodamus from Robert Earl of Lennox in favor of Archibald Stewart of Castelmilk: accordingly it will be found in the sequel, that Sir William of Castelmilk was the constant and faithful attendant of his brother Sir John in his military expeditions. This increases the probability that it was from Sir John that the grant proceeded, especially taking into the account the strong friendship and attachment that appears to have subsisted between these two brothers; of which very striking proofs will be given in subsequent parts of this Genealogical History, where it will be shewn that they embarked together in the same military expeditions; that they both went with a body of troops to the assistance of Charles VII. of France, where they distinguished themselves in an heroic manner, and lost their lives in the same battle, during the siege of Orleans in 1429; the one brother having sacrificed his life in endeavouring to rescue the other when wounded and overpowered by the enemy's troops.

Of the actions or exploits of Sir John Stewart of Derneley, or of his brother Sir William Stewart, from the time of the death of their father Sir Alexander Stewart of Derneley, about the year 1403, very little is known till the time that they went to France in the year 1420, to the assistance of Charles VII., then Dauphin of France*.

* As Sir John Stewart of Derneley was the eldest son of Sir Alexander Stewart of Derneley, from whom he inherited great estates in different parts of Scotland; and as he married early in life a daughter of a powerful nobleman, Duncan Earl of Lennox, and lived till the year 1429, there is reason to think that in many authentic deeds still extant in Scotland, the names both of Sir John Stewart and of his brother William will be found either as granters of deeds, or as witnesses to deeds executed by some of the noble persons with whom they were nearly connected. Only a few of these however have hitherto been discovered either in the Public Records or in the private repositories of individuals.

BRANCH SECOND.

PROOFS relating to Sir JOHN STUART of Derneley, and his Brother Sir WILLIAM STUART, *after their arrival in France in 1420*, down to the time of their death in 1429, taken from the Records in France, and from the concurring Testimony of the best French Histories of that Period.

SUCCOURS were sent from Scotland to the assistance of Charles the Dauphin of France about the year 1420; and at that period they were of the utmost consequence to that oppressed young Prince, then in a very singular and critical situation.—Though the natural and undoubted heir to the crown of France, as only son of Charles VI. then drawing near the close of his life, he had the mortification to find himself persecuted by the implacable hatred of his mother, who had under her government her husband Charles, who was subject to alternate turns of phrenzy or imbecility, and incapable of acting for himself. The Dauphin found himself persecuted at the same time by the resentment and jealousies of the Duke of Burgundy, and other powerful enemies; and excluded from the succession to the crown of France by the treaty of Troyes, concluded on the twenty-first of May 1420, with the victorious Henry V. of England.

By that treaty it had been agreed by Charles VI. or by the Queen and the Duke of Burgundy acting in his name, under authority from him, that Madame Katherine the daughter of Charles VI. should be given in marriage to Henry of England, who had already subdued great part of Normandy and of other provinces in France; and it was declared that the King of England and his heirs for ever were the lawful heirs of the crown of France, to be perpetually and indivisibly united with that of England; reserving to Charles VI.

PART

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PART the enjoyment of it for his life; during which period, Henry, on
III. account of the incapacity of Charles, was, under the title of regent, to
Nº IX. exercise the functions of government.

BRANCH II.

The marriage thus stipulated was celebrated on the second of June 1420 at Troyes, from whence Henry of England proceeded to Paris, taking care in his rout to reduce to submission the towns which were in the interest of Charles the young Dauphin.

On the first Sunday of Advent in 1420, Henry entered Paris in a triumphant manner, accompanied by Charles VI. and his Queen, and their Court, and by the Duke of Burgundy. The people of Paris gave their acclamations, covered their streets with tapestry, and continued their feasts and rejoicings for four successive days. The treaty of Troyes was accepted and confirmed at Paris by the oaths of allegiance of the citizens; and the greatest part of the towns of France had followed the example of the capital.

In the King's council, and in the parliament of Paris an arrêt was pronounced on the third of January 1420-21, by which the Dauphin was deprived of all succession, honours, and dignities in France, and all his subjects and vassals liberated from their oaths of feodality or allegiance to him.

From this unjust arrêt Charles the Dauphin, then at Poitiers, appealed to God and to his sword. He sent ambassadors to all the princes in alliance with the kingdom of France to supplicate assistance; and particularly sent ambassadors to Scotland, of whom the Duke de Vendome was one, trusting that from the ancient alliances with Scotland, the most ready and effectual assistance might be expected from that country.

The consequence of that embassy was, that the regency and states of Scotland, notwithstanding that James their sovereign was then detained a prisoner in England, agreed to assist France with a respectable force to the amount of seven thousand well chosen troops, under the command of leaders of the first distinction in rank and character; of which number there were John Stewart Earl of Buchan,

Buchan, second son of Robert Duke of Albany governor of Scotland, Archibald Earl of Wigton, eldest son of Archibald Earl of Douglas, and Sir John Stuart of Derneley.

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BRANCH II.

To Sir John Stuart of Derneley, the honour and trust of Constable of the Scots army in France was committed; and there is reason to think that the ambassadors from France had received particular instructions for requesting the aid of Sir John Stuart personally, and his friends and followers; for in the lettres patentes, hereinafter mentioned, granted in March 1422 by Charles VII. the King particularly mentions that it was at his solicitation and request that Sir John Stuart of Derneley had come from Scotland to France, bringing with him a great company of men at arms and archers, at an essential period, when their assistance was much needed by him.

The precise year in which this expedition to France took place has been differently related by the different English and Scottish authors, some of them placing it in the year 1419, others in 1420, and others in 1421*; but this point is more accurately stated in the annals and records kept in France, particularly in the "Chroniques et Annales de France par Nicole Giles, Secrétaire du Roy, revues et corrigées par Belleforêt Commongois," printed at Paris anno 1621, in folio. In the chapter relating to the events of the years 1420 and 1421, folio 327, verso, there is the following paragraph:

"En France vinrent au secours de Monseigneur le Dauphin plusieurs grands Seigneurs d'Ecosse avec grande armée dont étoient

* There is a deed executed by Sir John Stuart of Derneley in Scotland, in September 1419, which shews that he had not then set out for France. It is dated 21st September 1419, by which John Stuart therein described Lord of Derneley mortifies to the *Predicant Friars of Glasgow* two bolls of corn and two bolls of bear from the mains of Cruxton, and two bolls of meal from the mill of Derneley.

This deed is in the possession of the University of Glasgow, who succeeded to the revenues of the Predicant friars of Glasgow.

PART III. "conducteurs et chefs le Comte de Boucain et de Victon, et
 N° IX. "Messire Jean Stuart Connestable d'Ecosse; lesquels guerroyoient
 BRANCH II. "fort contre les Anglois, et fut parceque leur roi étoit lors detenu
 "prisonnier en Angleterre, et l'année ensuivante le roi d'Angleterre
 "amena en France le roi d'Ecosse en intention que les Ecossois qui
 "étoient avec le Dauphin se retournassent avec lui, mais ils n'en
 "voulurent rien faire et toujours tinrent le parti de Monseigneur le
 "Dauphin qui pour lors avoit pris nom et titre de regent."

The remarkable services rendered to Charles VII. of France by the troops which went from Scotland to his assistance, and by their leaders, are ascertained by the concurring testimony of the French, English, and Scottish historians; and it is admitted that to their gallantry and efforts Charles was chiefly indebted for the first favourable turn of his affairs, when he was reduced to the lowest ebb by his own rebellious subjects, and by the repeated successes of the English who fought against him, first under the command of the gallant and heroic Henry V. of England and his brother the Duke of Clarence, and afterwards under the command of some distinguished English noblemen, reckoned the ablest generals of that age.

The first assistance which Charles the Dauphin received from any foreign power whatever, was that which he received from Scotland; and soon after the arrival of the Scotch troops he obtained a signal victory at the battle of Baugé in Anjou, fought on the 22d day of March 1421; at which battle the Duke of Clarence, brother of King Henry of England, commanded the English forces, and was killed with a great number of his countrymen. The French authors state that two thousand English were killed, amongst whom were the Earls of Kent and of Suffolk, Lord Grey and Lord Roos; and that there were two hundred prisoners, of which number were the Earl of Somerset and his brother Thomas de Beaufort, whom they call princes of the blood royal of England, and the Earl of Huntingdon.

They

They further state, that this victory cost the Scotch and French eleven hundred men, and of that number Prince Charles of Bourbon, grand Bouteiller de France.

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John Stuart Earl of Buchan,* son of Robert Duke of Albany, governor of Scotland, commanded the Scottish forces, and Sir John Stuart of Derneley his cousin, acted as constable of these forces.

That Sir John Stuart of Derneley, and those of his friends who accompanied him personally from Scotland, had a principal share in the victory of that memorable day, is most formally acknowledged by Charles VII. himself, in his lettres patentes in favour of Sir John Stuart, dated at Bourges the 22d of March 1422, recorded in the Chambre des Comptes at Paris on the 10th of April 1423, and verified in the parliament held at Poitiers on the 30th of July 1425.

By these letters patent Charles made a grant of the lands of Aubigny in the province of Berry in favour of John Stuart, described “Seigneur de Derneley et de Concreffault, Connétable de l’armée d’Ecosse.” Which grant proceeds upon a recital highly honourable to him: Charles there declares, “Qu’ayant parfaite connoissance que notre cher et aimé cousin *Jean Stuart**, Seigneur de Derneley et de Concreffault, Connétable de l’armée d’Ecosse, à notre priere et requête est venu du dit pays d’Ecosse, et amené avec lui grande compagnie de gens d’armes et de traict, en intention et

* From this period it has been judged expedient to make an alteration in the spelling of the name of Stewart when applied to Sir John Stuart of Derneley or to his brother Sir William Stuart, by making it *Stuart* instead of *Stewart*; for while they were in France the name Stuart must have been so spelt, as appears from the French historians, and from the letters patent above-mentioned, because w is not a letter in the French alphabet; and it is supposed that this had given rise to some of the descendants from these two brothers writing their names *Stuart* instead of *Stewart*, to mark their connexion with that branch of the Stuarts who had distinguished themselves in France. At the same time it must be confessed that even those who adopted that mode did not do so uniformly, but sometimes wrote their names *Stewart* and at other times *Stuart*. No argument however is meant to be founded on a circumstance so inconclusive as that of the mode of spelling the name, but it has been thought proper to take notice of this variation and of the probable origin of it.

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 “d’Ecosse à notre très grand besoin affaire et nécessité, nous à servi
 “et fait encore chacun jour à l’encontre des Anglois nos anciens
 “ennemis,” &c. The same letters patent expressly mention, that
 “John Stuart and the troops brought with him had been employed
 “in these services during the space of three years or thereabouts,”
 (l’espace de trois ans ou environ,) which fixes the time of his ar-
 rival in France to the year 1420 or 1421, the letters patent
 being dated the 22d of March 1422, which in modern style was
 1423.

There is also in these letters patent, a clause which particularly
 mentions the services rendered by Sir John Stuart at the battle of
 Baugé, thus: “En laquelle bataille le dit Jean Stuart se maintint et
 “gouverna comme vaillant et courageux Chevalier, et nous servit
 “tout grandement, liberauement, et de si grande volonté lui et sa
 “dite compagnie, qu’à toujours nous en devons reputer être tenus à
 “lui et à notre pouvoir le reconnoître attendu mesmement que par
 “lui et autres moyennant la grace de notre Seigneur donnée a été
 “à la dite journée victoire contre grande partie de nos anciens en-
 “nemis *,” &c.

In

* Upon the 23d of April 1421, which was within a month after the battle of
 Baugé, Charles, then Dauphin, granted letters patent in favor of Sir John Stuart of
 Derneley, by which he gave to him the lands and chatellerie of Concreffault in the
 province of Berry. These letters patent, issued so recently after the battle of Baugé,
 most probably must have mentioned still more particularly the services rendered by Sir
 John Stuart and his friends at that battle. The author, when in France in the year
 1789, made much search for them in the Chambre des Comptes, the Tresor des
 Chartres, and elsewhere, without being able to find them; but there can be no doubt
 that such letters patent were granted, for besides Sir John Stuart’s being described
 as above Seigneur de Concreffault, the grant of these lands is particularly specified in a
 book of great authority, “Dupuys des Droits du Roy,” p. 785, where there is the
 following article: “Lettres Patentes portant don de la terre & seigneurie de Con-
 “creffault à Jean Stuart, le 23 Avril 1421.” It is also mentioned by Blanchard in

his

In the same grant it is mentioned, that his majesty had promised to grant to him two thousand livres a-year in order to aid him in supporting his state honourably, and in order that he might be the more disposed to remain in his service, on account of which he had quitted his wife and children, and his other relations and friends in Scotland, and had abandoned his rents, revenues, and possessions, "*dont il vivoit grandement et notablement* *."

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The terms of the above grant prove that Sir John Stuart of Derneley had brought with him from Scotland a great number of gens d'armes et de traict, particularly attached to his person, and under his command; from whence it would naturally be presumed, that his brother Sir William Stuart, who held his lands of Castelmilk under him by a military tenure, and was particularly attached to him, would be of the number of those who accompanied him to France. But this matter has not been left to conjecture; for there has fortunately been discovered in the records of the Chamber of Accompts at Paris, the most unquestionable and satisfactory evidence, that William Stuart, described as brother of John Stuart the Constable of the Scotch army, was of the expedition to France, and in a military capacity. Which proof from the records gives great additional weight and force to the accounts,

his *Compilation Chronologique*, p. 236, though by mistake he supposes the John Stuart to whom it was given to have been John Stuart Earl of Buchan.

It is to be observed, that from there being two John Stewarts with the Scottish army in France, to wit, John Stuart Earl of Buchan, who attained the rank of Connétable of France, and Sir John Stuart of Derneley, who was Connétable of the Scottish army in France, that similitude of names and offices has occasioned many blunders and mistakes in the French, English, and Scottish authors, by ascribing to the one John Stuart what belonged to the other. But in this present Genealogical History no facts are stated with regard to Sir John Stuart of Derneley, but such as are vouched by the most unquestionable evidence; such as letters patent, extracts from the records of the Chamber of Accompts, and other evidence of similar undisputed authority.

* Vide App. N.º II. where the whole of the above grant or letters patent, is printed. which

PART III. which will be hereinafter stated, given by the French historians concerning the gallant actions of the two brothers, Sir John and Sir William Stuart.

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In the course of a diligent search made in the records of the Chambre des Comptes at Paris, while the author was there in the year 1789, it was found that the military accounts of the payment of the troops which served under Charles VII. were still preserved and in good order, consisting of a great many volumes; and in these, two articles were found of money paid to William Stuart, in the years 1421 and 1422 or 1423.

The first of these articles is extracted from the accounts of Macé Heron, Tresorier des Guerres, whereof the title is: "Conte rendu
" par Macé Heron, Tresorier des Guerres du Roy notre Sire, et de
" Monseigneur le Regent de royaume, Dauphin de Viennois, Duc
" de Berry de Tourraine, Comte de Poitou, des recettes et mises par
" lui faites à cause de son dit office, pour le payment, tant des gens
" d'armes et de trait qui ont servi les dits Seigneurs en leur guerres,
" en plusieurs marches, pays, et frontieres de ce royaume, comme
" autrement, pour treize mois entiers, commençans le premier jour de
" Novembre l'an 1421, et finis le dernier jour de mois de Novembre
" après ensuivant 1422." In that account, folio 26, there is the following article:

" Guillaume Estuart, Ecuyer, et dix sept autres Ecuyers de sa
" compagnie, reveues à la Rochefoucault le 20^{ème} jour de Decembre
" l'an 1421, somme du service à lui par sa quittance escrite le
" 24^{ème} jour du dit mois celui an cy rendue deux cent quatre vingt
" huit livres, cy 288 Tournois."

On the margin of this article there are the following words of the same hand-writing: "Frere de Monsieur le Connestable du pays
" d'Escoffe."

The other article is taken from the account rendered by "Hamon
" Raguier, Tresorier des Guerres du Roy notre Sire, de la recette et
" depense

“ depense par lui faite à cause de son office, depuis le premier jour
 “ de Novembre l’an 1422, jusqu’au dernier jour de Decembre 1423,
 “ lequel temps a 14 mois entiers.”

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In folio 94 of that account, there is the following title of a certain class of payments therein stated, to wit: “ Deniers payés par mandement du Roy notre Sire à certains capitains et connestables de gens d’armes, arbalestiers et targens du pays de Lombardie et autres, ordonnés par le dit Seigneur estre et demeurer en sa ville de Bourges tant pour la sureté de sa personne et illec le servir, comme par tout ailleurs ou il lui plaira ordonnez.”

In folio 117 of that class of payments, there is the following article: “ Pour la garde de deux tours de la cheſne de la ville de la Rochelle et de la tour de Morelle.

Folio idem, verso;

“ *A Messire Guillaume Stuart, Escuyer, du Pays d’Escoſſe, frere de Monsieur le Connestable, deux cent livres Tournois, cy 200 l. Tour.*”

Upon the discovery thus made of these and other articles in the records of the Chambre des Comptes at Paris, the author was informed that in order to get them properly authenticated, it would be necessary for him to present a petition or requête to the auditors of the Chambre des Comptes for their authority to have the extracts made and signed by the proper officers to be delivered to the petitioner; whereupon an arrêt was pronounced, ordering the extracts to be made by one of the counsellors auditors of the Chambre des Comptes; and accordingly the extracts thus made and authenticated in the proper form were delivered to the author, and are now in his possession.

The same fact is also ascertained by a certificate of Monsieur l’Abbé de Bevy, historiographe de France, who had occasion to examine the original records of the Chambre des Comptes at Paris, and certifies the extracts relating to William Stuart the brother of the constable

PART of the Scottish army in France, to be conformable to the original. This
III. certificate is signed at London the 6th of November 1794, by Mon-
N^o IX. sieur l'Abbé de Bevy, then and now in London, and it makes
BRANCH II. a part of the Historical and Genealogical Dictionary, composed by
 him from the records in the Chambre des Comptes.

None of the French, English, or Scotch authors have given any circumstantial or distinct account of the actions performed by individuals at the battle of Bauge, otherwise it may reasonably be presumed that the merits of Sir John Stuart of Derneley, and of his company of men of arms on that day, so amply and gratefully acknowledged by Charles of France himself, in the letters patent above-mentioned, would have been placed in a more conspicuous light. It is only by the accident of these letters patents being preserved, that it is known with certainty that Sir John Stuart and his company had a great share in the victory of that day; and this is confirmed by the confidence which Sir John Stuart ever thereafter enjoyed from the King of France.

Some other accidental discoveries tend to confirm the accounts given by Charles of Sir John Stuart's exertions at the battle of Bauge: particularly in the course of the researches made in different dépôts at Paris by the author while there in the year 1789, it was discovered, that at the battle of Bauge Sir John Stuart had taken prisoner the brother of the Earl of Somerset, a very considerable person in the army of the English. This is proved by an authenticated extract from the records at the Abbaye of St. Martin des Champs, taken from a parchment roll which had formerly belonged to the Chambre des Comptes of Paris, which had come into the possession of that Abbaye; in which roll there is stated the sum of 500 livres Tournois paid to John Kirkmichiel (probably Carmichael) of the country of Scotland, to assist him in supporting the charges and expences which he had incurred, or might incur, in consequence
 of

of his being come to wait upon Monseigneur le Regent, (then Charles the Dauphin,) to settle with him to have, by his permission,
 “ Le frere du Comte de Sommerfet *prisonnier de Messire Jean Steuuart,*
 “ *Connetable de l’armée d’Escoffe,* et pour la délivrance du Sire de
 “ Barbazan prisonnier, et pour certaines autres causes et considera-
 “ tions à ce mouvans mon dit Seigneur pour ce par vertu des lettres
 “ patentes données par le dit Seigneur le Regent le 21. jour de
 “ Decembre expediées le 24^{ieme} jour ensuivant (1421).”

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The brother of the Duke of Somerset was Thomas de Beaufort, whom the French historians mention to have been taken prisoner at the battle of Baugé, without mentioning by whom. He must have been considered as a valuable prisoner, as from the above extract it appears probable that the intention was to have him exchanged for the famous Barbazan, who had so gallantly defended Melun when besieged in 1420 by Henry V. who with difficulty, after a siege of many months, got possession of that place, when famine alone induced Barbazan the governor to capitulate.

In the Schotichronicon, vol. ii. p. 461, it is said, that “ among the prisoners taken at the battle of Baugé, there were the Earl of Somerset, and Dominus Thomas brother of the said Earl, who were brothers of Johanna Queen of the Scots; and that this Thomas brother of the Earl of Somerset was taken prisoner by John Kirkmichael, who broke a spear upon the Duke of Clarence.” But the above extract from the lettres patentes granted by the Dauphin on the 21st of December 1421, establishes with more certainty, that Thomas the brother of the Earl of Somerset had been taken prisoner by Sir John Stuart of Derneley, especially as John Carmichael, by accepting these lettres patentes containing that declaration, concurred in the statement there given *.

The

* The person of the name of Kirkmichael or Carmichael, alluded to in the preceding paragraphs, was probably the same person who was afterwards made Bishop of Orleans;

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The loss sustained by the English army at the battle of Baugé, and the apprehension of its consequences, made Henry, then in England, resolve to hasten his return to France ; where he arrived in June 1421, with great reinforcements to his army. Some of the French historians say that he brought with him 6000 men at arms, and 24,000 archers, which together they reckon to amount to near 50,000, reckoning every man at arms to have about three attendants. Hume, from the authority of Monstrelet, says, that the army consisted of 24,000 archers and 4000 horsemen, by which it is supposed is meant hommes d'armes. Henry marched directly to Chartres, then besieged by the Dauphin with a considerable army. The forces of Henry, joined by those of the Duke of Burgundy, obliged the Dauphin to raise the siege of Chartres, and to retire to Tours with his army. Thereafter Henry made himself master of Dreux and

concerning whom there is in Hume of Godscroft's History of the Douglasses, vol. i. p. 244, the following paragraph: " There was also amongst those who escaped at this battle of Verneuil, one John Carmichael, of the house of Carmichael in Douglassdale, who was chaplain to the Duke of Tourain, a valiant and learned man, who remained in France, and was for his worth and good parts made Bishop of Orleans. The French History calleth him Jean de St. Michell, (for Carmichael), Esveque d'Orleans, Escossois de nation. He is mentioned in the particular story of the Maid of Orleans, and in the Annales Ecclesiæ Aurelianensis auctore Carolo Saussieyo Aureliano." But the more probable account of the circumstances which led to John Carmichael's being appointed Bishop of Orleans is given by Symphorien Guyon in his History of Orleans, p. 181, where he writes as follows: " En ce temps les Escossois rendirent au Roi Charles Septiesme des grandes assistances dès le commencement de la guerre des Anglois, et combattirent vaillamment sous la conduite de Jean Stuard Connestable d'Escoffe, auquel le Roi donna, en recompense de sa valeur et de ses bons services, la Seigneurie d'Aubigny en Berry, & lui permit d'ecarteller ses armes avec celles de France, lui faisant expedier ses lettres patentes de cette donation & permission l'an de grace 1427. Et ce fut peut être pour cette consideration, que Jean de St. Michel Escossois fut promu à l'Evesché d'Orleans, qui se trouva vacant par la mort de Guy de Prunelay, au mesme tems que les Escossois faisoient un tel devoir et de si beaux exploits de guerre pour la defense de la France."

Meaux,

Meaux, the last of which places made a most obstinate resistance during several months, the siege having begun on the 6th of October 1421, and continued till the 4th of March 1422, when it surrendered to him.

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After the taking of Meaux Henry repaired to Paris, where he was joined by his Queen, and there they held their court with great magnificence.

Those attached to the Dauphin had in the mean time reaped some advantages, in some conflicts of lesser importance in different parts of France; but the Dauphin's army, at the head of which he was himself, was reduced to about 20,000 men. He besieged Cosne upon the Loire, which capitulated, and gave hostages to surrender the 16th of August 1422, if not relieved before that time. On this news reaching Henry at Paris, he assembled all his troops, and sent notice to the Duke of Burgundy to join him. The King of England himself, in spite of a dangerous illness, got on horseback and marched at the head of his army. The disease increasing, he was obliged to stop short at Melun, and left the conduct of his army to his two brothers, the Dukes of Bedford and of Gloucester. These princes joined the Duke of Burgundy, and they arrived at Cosne before the day appointed for the surrender. The Dauphin was obliged to restore the hostages, and to retire into the province of Berry. The three Dukes passed the Loire, and pursued the Dauphin to the walls of Sancerre.

The opposite armies were within a league of each other, and a battle, which would have been very hazardous for the Dauphin, seemed inevitable, when an unforeseen event recalled to Paris the Dukes of Gloucester and Bedford.

Their brother, the King, whose illness daily increased, had been carried in a litter from Melun to Paris. His illness was declared incurable. This intimation he received with great composure and fortitude,

PART III. fortitude, and gave his directions with regard to the education of his son, and the affairs of England and of France. The regency of England he gave to his brother the Duke of Gloucester.

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For the regency of France he appointed his brother the Duke of Bedford, jointly with the Duke of Burgundy, if he chose to accept of that office, or sole regent if the Duke of Burgundy declined to accept. On the 31st of August 1422, Henry expired at Paris, in the thirty-fourth year of his age, and the tenth of his reign.

In less than two months after the death of Henry V. of England, Charles VI. of France, his father-in-law, died 21st October 1422. The Dauphin was proclaimed and crowned King of France at Poitiers, under the name of Charles VII. But Henry VI. King of England, son of Henry V. and Katherine of France, was proclaimed at Paris King of France.

Though the death of Henry, that gallant and successful warrior, and the infancy of his son and successor, might at first view be considered as likely to be productive of advantages to the interests of Charles VII. of France; yet from the superior advantages which his rival possessed, the total expulsion of Charles from France was an event which seemed much more probable than his final success. For though Henry VI. was in his infancy, the administration had devolved upon the Duke of Bedford, the most accomplished prince of his age, whose experience, prudence, valour, and generosity perfectly qualified him for this high office. The whole power of England was at his command; he was at the head of armies enured to victory; he was seconded by the most renowned Generals of the age, the Earls of Somerset, Warwick, Salisbury, Suffolk, and Arundel, Sir John Talbot, and Sir John Fastolfe: and besides Guienne, the ancient inheritance of England, he was master of the capital and of all the northern provinces, which were best enabled to furnish

him with supplies both of men and money, and to assist and support his English forces.

On the other hand, Charles, notwithstanding the present inferiority of his power, possessed some advantages, partly from his situation, partly from his personal character, which promised him success, and served first to control, then to overbalance, the superior force and opulence of his enemies. He was the true and undoubted heir of the French monarchy: every Frenchman who knew the interests, or desired the independence of his country, turned his eyes towards him as its sole refuge. His exclusion, occasioned by the imbecility of his father, and the forced or precipitate consent of the States, had plainly no validity. That spirit of faction which had blinded the people could not long hold them in so gross a delusion. Great nobles and princes, accustomed to maintain an independence against their native sovereigns, would never endure a subjection to strangers; and though most of the princes of the blood were, since the fatal battle of Agincourt, detained prisoners in England, the inhabitants of their demesnes, their friends, their vassals, all declared their zealous attachment to the king, and exerted themselves in resisting the violence of foreign invaders.

Such is the description given by the best historians, and particularly by Hume in the Life of Henry VI. of the situation of the rival monarchs after the death of Henry V; where, with his usual impartiality, Hume states his own opinion upon the pretensions of these rivals, and further gives the following just character of Charles VII.

“ He was a prince of the most friendly and benign disposition;
 “ of easy and familiar manners, and of a just and sound, though
 “ not a very vigorous understanding. Sincere, generous, affable, he
 “ engaged from affection the services of his followers, even while his
 “ low fortunes might make it their interest to desert him; and the
 “ lenity of his temper could pardon in them those fallies of discon-
 “ tent,

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Villaret, tom.
14. p. 137.

"tent, to which princes in his situation are so frequently exposed.

"The love of pleasure often seduced him into indolence; but

"amidst all his irregularities the goodness of his heart still shone

"forth; and by exerting at intervals his courage and activity, he

"proved that his general remissness proceeded not from the want

"either of a just spirit of ambition, or of personal valour."

This sketch of the situation of parties at that time in France, and of the characters of those placed at the head of the contending factions, may be of utility, in accounting for the vicissitudes and disasters which took place for several years after Charles VII. succeeded to the crown of France; and is necessary for appreciating the merits of those leaders and officers of the Scottish army in France, who, during the severest trials, continued firmly attached to the interests of Charles.

Of all the distinguished officers, or leading men who went from Scotland to the assistance of Charles, Sir John Stuart of Derneley, the Constable of the Scottish army, and his brother Sir William Stuart, were those who the most uniformly, and during the greatest number of years, dedicated themselves to the interests of that unfortunate and persecuted monarch, for enabling him to attain the crown which justly belonged to him; and whose interests were at that time considered to be the most intimately connected with those of Scotland.

It is not possible to give a particular account of the various actions or combats in which Sir John Stuart or his brother were concerned, from the time of the battle of Baugé in 1421, to the close of their lives in the year 1429. The histories of France are very imperfect in their details of the numerous battles and sieges which happened during the years which immediately followed Charles's succession to the crown. A French historian of considerable reputation, Villaret, makes a good apology for not entering into these

these details ; he expresses himself thus : “ Si l'on vouloit s'attacher
 “ à rendre un compte exact de tous les evenemens il faudroit à chaque
 “ instant transporter le lecteur dans toutes les parties du royaume ;
 “ il ne se passoit pas du jour qui ne fut marqué par quelque com-
 “ bat ; il n'y avoit pas de province qui ne fut un theatre d'hostilites
 “ perpetuelles.”

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There can be little doubt that Sir John Stuart of Derneley and his brother Sir William were much employed during that constant course of warfare ; especially as in the letters patent already mentioned by Charles in favor of Sir John Stuart of Derneley, there is the following declaration by his Majesty : “ *Il nous a servis et fait encore chacun jour à l'encontre des Anglois nos anciens ennemis.*”

Though the particular details are not to be learnt from the histories of France, the records of the Chambre des Comptes afford evidence, upon many occasions, of the active services in which Sir John Stuart was engaged, and of the confidence placed in him.

In the accounts of Hamon Raguier, Trésorier des Guerres, which comprehended the period from the 21st of November 1422, to the last day of December 1423, under the title of “ Tauxations, Recompensations, Estats, Ancienes Compositions, et autres deniers payé par Mandemens du Roy notre Sire, durant le temps de ce present Compte,” there are various articles relating to Sir John Stuart of Derneley ; the services rendered by him, the expences he had incurred, and the allowances granted to him by Charles. An exact copy of these articles in the records of the Chambre des Comptes is printed in the Appendix, N° III. ; from the perusal of which the following particulars are ascertained.

1. That Sir John Stuart of Derneley had a particular compagnie de gens d'armes et de trait from Scotland, attached to himself and

§

under

PART under his command; on account of the expence of which company
III. Charles of France, by his letters dated at Melun, 18th of November
Nº IX. 1422, ordered five hundred livres Tournois to be paid monthly to
BRANCH I. Sir John Stuart "pour l'état de sa personne."

2. That the King had allotted to the said Sir John Stuart a great additional charge and retinue de gens d'armes et de trait belonging to Scotland; and in general had given to him all the charge of the Scottish gens d'armes et de trait then in France in his Majesty's service.

3. That on account of the great charges, equipments, and expence to which Sir John Stuart was subjected, his Majesty ordered the treasurers of his finances to pay to him thereafter monthly 500 livres, "pour l'état de sa personne;" and as that sum would not be sufficient to furnish the necessary expence, in order to enable him to support his state more honourably, and to assist him in defraying other great expences and equipments which would be suitable for him to incur for the entertainment of the captains and other gens d'armes et de trait of Scotland under his charge, it was ordered, that for the future he should have by way of gift an additional sum of 500 livres monthly, making together 1000 livres, that is to say, 500 livres "pour l'état de sa personne," and other 500 livres "pour don."

4. That in consequence of these orders the 1000 livres monthly, were paid to Sir John Stuart for eight months, from the 22d of November 1422 to the 20th of July 1423.

5. Further, by letters granted by Charles at Bourges on the 22d of June 1423, it appears, that with the advice and deliberation of his grand council, he gave orders to Sir John Stuart to assemble all the Scottish troops then in his service and to pass the river of Loire, and to lead them into the country of Auxerrois and Nivernois, to make war on the English, and all other enemies and adversaries of the King of France, and to reduce them to obedience. And in order to engage

AND HIS BROTHER SIR WILLIAM STUART.

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them the more liberally in that service, it was agreed between the Grand Council and the Constable of the Scottish army, that there should be paid to them for two months the sum of 30,000 livres, in manner following; to wit, an immediate payment of 10,000 livres; in the end of July then next a further sum of 5000 livres; and in the end of September then next a further sum of 15,000 livres.

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In consequence of this last order it appears that 10,000 livres were paid to Sir John Stuart, by his receipt dated 28th of June 1423.

Soon after the march of the troops under the command of Sir John Stuart into the Auxerrois, the battle of Crevant took place, the circumstances of which are differently related by different authors.

Rapin (vol. i. p. 538) gives the following account:

“ Charles had no sooner received this news, (Salisbury’s intention of besieging Crevant,) but he ordered Stuart, who was lately reinforced from Scotland, to draw some troops out of the neighbouring garrisons, and join Du Châtel in order to attempt the relief of Crevant. All these forces together, made a body of ten thousand men, whereof, by order of the King, the Marshal de Sévérac went and took the command. But as it required some time before they could be joined in one body, Salisbury had sufficient leisure to take the place. After that, not knowing yet the designs of the French, he joined Suffolk before Montaigu.

“ Meanwhile the French army, drawn together in Auxerrois, marched to Crevant, which they had not been able to relieve, and besieged it. The army was commanded by the Marshal de Sévérac, who had under him Du Châtel, Stuart, Ventadour, and some other officers of note. The Duchess Dowager of Burgundy then at Dijon, sent immediately to the Marshal de Toulangeon and all the Burgundian nobles to try to relieve Crevant. At the same time she desired the Earl of Salisbury to join her generals in order to raise the siege. Salisbury was very sensible how neces-

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"sary it was to comply with the Ducheſs's requeſt, and therefore
 "leaving part of his troops before Montaigu, the garrifon whereof
 "was reduced to twenty men, repaired to Auxerre and joined the
 "Burgundians. Next day, they marched together to Crevant.
 "They had in all but fix thouſand men; however they were ſome
 "of the beſt ſoldiers then in Europe. The beſiegers, hearing of
 "their march, raiſed the ſiege in order to meet them, and poſted
 "themſelves at ſome diſtance from Crevant upon a hill, where it
 "was very difficult to force them. The reſolution of the French
 "generals ſurpriſed the Engliſh and Burgundians, who ſeeing no
 "poſſibility of attacking them in that poſt, altered their rout, and
 "as if they had ſome other deſign, paſſed the Yonne at Cologne-le-
 "Vimeaux, with intent to repaſs it at ſome other place and proceed
 "to Crevant. The French, finding that by this march their ſtation
 "on the hill was become uſeleſs, deſcended and poſted themſelves
 "by the river ſide, in order to defend the paſſage. The two armies
 "remained above three hours facing each other with the river be-
 "tween them. At length a body of Engliſh gaining a certain
 "bridge, withſtood the efforts of the French army with uncommon
 "reſolution, and gave the reſt of their troops time to come to their
 "ſupport. This action, which was one of the boldeſt, was per-
 "formed with that bravery, order, and conduct, that it was not
 "poſſible for the French to beat them from the bridge. As ſoon
 "as all the Engliſh and Burgundians were over, they ſo vigorously
 "attacked their enemies, that they put them to the rout. *The*
 "*Marſhal de Severac was blamed for retiring ſo ſoon,* and leaving
 "*Stuart* engaged with the Scotch troops. There was ſlain on the
 "ſpot above five hundred, moſt of them Scotch. As many more
 "were made priſoners, among whom were Stuart and Zaintrailles,
 "with forty officers of note."

The account of the battle of Crevant given by the French hiſto-
 rian Villaret, tom. xiv. of his *History of France*, p. 281, does not
 differ

differ much from that given by Rapin, in the most material particulars, excepting that according to Villaret's account, the English and Burgundians were superior in number, as well as in discipline, to the French and Scotch. Villaret's account concludes thus: "La défaite
 " des royalistes fut entiere, malgré des prodiges de valour: quinze
 " cens de leurs plus braves guerriers resterent sur le champ de ba-
 " taille. Le nombre de prisonniers fut encore plus considerable:
 " Stuard, le Comte de Ventadour, Gamache, et Xaintrailles étoient
 " parmi ces derniers. *On accusa le Maréchal de Sévérac d'avoir pris*
 " *la fuite avec le corps qu'il commandoit.*"

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With regard to the fact concerning the Marshal de Sévérac, there is a reference on the margin of Villaret to a manuscript Chronicle of France in the Royal Library at Paris, N° 10,297. That manuscript had been recommended to the author by [M. de Brequigny, member of the Academy of Sciences and Belles Lettres at Paris, for information concerning the battle of Crevant; in consequence he applied for, and got access to it in the Royal Library, and having copied the account there given of that battle, he found that the expressions made use of with respect to the reproachful behaviour of the Maréchal de Sévérac are as follows:
 " Et à la venue du Comte de Salisbury et du Seigneur de Tou-
 " longeon le Samedi dernier jour * Aoust 1423, assembla le dit
 " Connétable (d'Escoffe) à bataille contre Anglois et Bourguignons,
 " *mais le Maréball de Sévérac sans assembler print la fuite laide et*
 " *bonteuse.*"

The said manuscript continues thus:

" La est dure et merveileuse bataille donc Bourguignons et Anglois
 " eurent victoire. En cette bataille furent pris (ou prisonniers), le
 " Conneftable d'Escoffe, qui a un œil y eut crevé, le Comte de
 " Vantadour, les Seigneurs de Gamashes et de Belloy, et 44 autres
 " gentilhommes de nom et d'armes, et plusieurs y ont occis, et

* The last day of *August* is here by mistake placed for the last day of July.

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" tint prison pour aucun temps le dit Conestable d'Escoffe, après
 " la delivrance duquel le Roi lui donna le Comté d'Evreux," &c.

Belleforêt, in his Annals and General History of France, published at Paris in the year 1579, vol. ii. fol. 1069, also gives an account of the battle of Crevant; but by mistake has confounded John Stuart Earl of Buchan, Constable of France, with John Stuart of Derneley, Constable of the Scottish army in France: and has supposed that the troops at the battle of Crevant were under the command of John Stuart Earl of Buchan. Amongst the prisoners at that battle he mentions as follows: " Y étant pris le
 " Comte de Bouchan, qui y perdit un œil, le Comte de Vantadour,
 " les Seigneurs de Gamafhes, de Velay, de Favieres, de Bournon-
 " villiers, le Louë; Messire Guillaume Forrestier, et plusieurs
 " autres; et entre les morts, le nombre desquels estoit fort grands,
 " furent le Batard de Yuoy, Messire Karados, neveu du Comte de
 " Bouchan, Thomas Seton, *Guillaume Hamilton, et Messire David*
 " *son fils, Escossois,*" &c.

Belleforêt then gives a verbatim copy of a letter written by the Earl of Suffolk on the 1st of August 1423, to the Chancellor and Council at Paris of his Sovereign Lord Henry, King of England and France, giving an account of the battle fought the preceding day by the forces under his command against the French forces; which letter is as follows:

" A mes très chers Seigneurs les Chancelier, Gens du Conseil du
 " Roy nostre Souverain Seigneur estans à Paris.

" Tres chers Seigneurs et Grands Amys, J'aye reçue voz lettres
 " escrites le dix huitiesme de Juillet dernier: surquoi vous plaira
 " sçavoir que hier tost après soleil levant, est toute nostre puis-
 " sance arrivée devant noz ennemys qui tenoient le siege devant
 " Crevant, & tout fumés en bataille à pied, si près d'eux, qu'il n'y
 " avoit que la riviere ou milieu d'entre nous, & leur bataille
 " d'embas: car ils tenoient trois batailles bien ordonnées; l'une à
 " la

“ la haulte montaigne dessus la ville, et l'autre à un autre mon-
 “ taigne au dessous de la dicte ville, qui duroit jusqu'à sur le bord
 “ de la riviere au dessous du pont: & l'autre grosse bataille estoit
 “ tout au bas entre les dictes deux montaignes et entre la riviere
 “ et la ville: & jusqu'environ midy nous & eux fumes en cest
 “ estat sans aborder. Mais de noz coureurs & archiers passerer
 “ la riviere és coutieres des deux montaignes &, les alloient escar-
 “ muchier, à laquelle heure ils se mirent à desloger en la dicte
 “ basse bataille pour un canon qui estoit assis devers nous, &
 “ les grevoit moult, & lors noz gens comecherent à passer la riviere
 “ où ils furent repoussez si fort que vraiment Monseigneur de
 “ Salesbry & nous cuidions avoir du pis: mais incontinent la Dieu
 “ Mercy, nous fumes raliez en si bonne maniere, que malgré eux
 “ & leur trait nous passames outre, et lors se mirent en fuite & nous
 “ après à pied, & à cheval, ainsi qu'à l'heure nous poursuivismes
 “ de si près qu'il en est demouré trespou qu'il ne soit morts ou
 “ pris. Au moins nous certifie, que par le rapport des prisonniers
 “ & heraulx, la fleur d'eux sont morts ou pris, entre queux pre-
 “ mierement est *le Connestable a'Escoche, Chef de leur Compagnie,*
 “ le Sire de Gamaches, & le Sire de Valoy, & bien jusqu'au nombre
 “ de trois cens, & de morts y est *le frere du dit Connestable d'Escoche**,
 “ et le bastard de le Baulme, et le Sire de Severac, qui se dit
 “ Marechal de France, et le Sire de Guittry, & plusieurs autres
 “ au nombre de trois mille fix cens & plus, comme ont rapporté

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* The brother of the Constable of Scotland here alluded to as killed at the battle of Crevant was most probably William de Hamilton, who was half-brother to Sir John Stuart of Derneley. What increases that probability is, that Belleforêt and other historians expressly mention William Hamilton, or William de Hamilton as killed in the battle of Crevant, and the particular mention of him shews that he must have been of distinguished rank.

Hume in his History, vol. ii. p. 327, says, that at the battle of Crevant “the Con-
 “ stable of Scotland and the Count of Ventadour were taken prisoners; and above
 “ a thousand men, among whom was Sir William Hamilton, were left on the field
 “ of battle.”

“ leurs

PART " leurs Heraulx, & vous promets qu'il en est demoure bien pou
III. " de faufs ; à laquelle besoigne s'est porté noblement Moseigneur
Nº IX. " de Salesbry, tous les Seigneurs de Bourgoigne, & tous ceux de
BRANCH II. " notre patrie & compagnie, sans fainetise ; et semblablement
 " ceux de la ville se sont très bien portez, & tout je vous assure
 " en bonne foy. Quant a noz gens, pou y a eu de morts & croy
 " qu'il n'y à environ trente. Après le bon-heure, dont Dieu fera
 " loüé, nous sommes retourné au champ & y avons geu toute
 " nuit, & nous, & Monseigneur de Salesbry sommes sains & faufs.
 " Ecrit à Auxerre le premier jour d'Aoust.

" Le tout vostre le Comte de Suffort, Sire de Hambre,
 " et de Bruquellet."

Belleforêt's observation upon the above letter is ; " Par cette
 " lettre escrite au Patois d'un Anglois qui ne sçavoit l'ornement
 " de notre langue, et qui estoit plus soldat que bon orateur, vous
 " voyez comme les choses se passèrent." He further adds : " Le
 " Comte de Suffort se trompe disant que le Marechal de Sévérac fut
 " occis, comme ainsi soit que Alain Chartier dit franchement *que ce*
 " *Marechal s'enfuit* avec Richard de Leire et autres capitaines
 " François, Espagnols, et Escossois, et qu'ils laisserent occir les
 " vaillants, et les abandonnerent au besoign."

From the French authors themselves it appears that the blame
 of the loss of the battle of Crevant was thrown principally upon
 the Maréchal de Sévérac, and the troops under his command. And
 a convincing proof that no blame attached upon Sir John Stuart
 of Derneley, the Constable of the Scots army, is, that subsequent to
 that battle he enjoyed great trust and confidence from the King of
 France and his Ministers, and received distinguished marks of favor
 from that monarch, as will appear in the sequel.

Some of the French historians mention, that in the course of the
 various battles which were fought between the French and the
 English

English in the years 1423 and 1424, the Lord Pole, brother of the Earl of Suffolk, was taken prisoner by the troops of Charles VII. and that he was exchanged for Sir John Stuart of Derneley, who had been made prisoner at the battle of Crevant. But others of these historians say, that he was exchanged for the Marshal de Toulangeon, taken prisoner at another battle. It is not precisely ascertained at what time Sir John Stuart was exchanged, or at what time he was sufficiently recovered of his wound and the loss of his eye, to be able to engage again in active service.

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Neither does it appear from the French histories whether Sir John Stuart, or his brother Sir William, were amongst the number of those present at the fatal battle of Verneuil, which took place on the 17th day of August 1424. At that battle the commander in chief of the Scots and French forces was Archibald Earl of Douglas, and next to him in command was his son-in-law John Stuart Earl of Buchan, Constable of France. No French historian has mentioned either Sir John Stuart of Derneley, or his brother Sir William as engaged in the battle of Verneuil.

In the course of the year 1423, John Stuart Earl of Buchan, and the Earl of Wigton, eldest son of the Earl of Douglas, had gone from France to Scotland, at the desire of the King of France, to solicit a reinforcement of troops from Scotland, and particularly to solicit the personal aid of Archibald Earl of Douglas.

In consequence of that embassy the Earl of Douglas engaged in the service of France; and there is in the Tresor des Chartres kept at Paris, the original deed signed by the Earl of Douglas at Glasgow in Scotland, the 26th day of October 1423, by which the Earl, upon a recital of the ancient alliances, friendships, and confederacies which had for a long time subsisted between the kingdoms of France and of Scotland, which it was his desire to the utmost of his power to keep and augment; he therefore thereby promised and swore upon

T

the

PART the Holy Evangile, in so far as depended upon him, perpetually
III. to observe the said alliances; and also promised and swore to pass
No IX. into France in the ship which was then waiting for him, with his
BRANCH II. beloved son the Earl of Buchan, Constable of France, and the am-
 bassadors of the King of France which had been sent into Scotland;
 and that he should be ready to depart for France upon the 6th day
 of December then next, and should lead with him in his company
 “ plusieurs seigneurs et ———* hommes d’armes, et archiers, pour
 “ servir mon dit Seigneur le Roy à l’encontre ses anciennes ennemies
 “ d’Angleterre, et tous autres ses ennemies quelque que soit.”

There is also in the Tresor des Chartres the original oath of
 fidelity signed and sealed by Archibald Earl of Douglas after his
 arrival in France, dated at Bourges, the 19th day of April 1423,
 “ avant Paque,” which in modern style was 1424. In that ferment
 de fidelité the Earl of Douglas, who therein takes the title of Duc
 de Tourraine and Earl of Douglas, recites, “ That the King of
 “ France had been graciously pleased from his love and confidence
 “ in him to call him to his service, and to appoint him his
 “ Lieutenant General sur le fait de sa guerre par tout son
 “ royaume;” and further had been pleased, from his great libe-
 rality, and in order that he the Earl of Douglas might remain for
 ever “ son homme, vassal, et sujet,” and might be perpetually at-
 tached towards him and his kingdom, had given to him, and to the
 heirs male descended of his body in the direct line, the Duchy of
 Tourraine, according to the form and tenor of the Royal Letters
 thereupon, which had been delivered to him; whereupon he
 had performed “ foi et homage leige,” with the oaths usual upon

* That part of the original deed signed by the Earl of Douglas, which specifies
 the number of men he was to lead with him from Scotland to France, has been so
 much injured by time as to be illegible.

such occasions: Wherefore he the said Archibald Duc de Tourraine, acknowledging the great honours and benefits thus received, had with great solemnity promised and swore in presence of his Grand Council, and by these presents again promised and swore, "en parole de Prince sur notre honneur foy et hommage," that as long as he lived he should be true and loyal vassal, subject and obedient, and as such should serve and obey the King of France, and that he should not make any alliances or confederacies with any persons whatsoever, either in France or elsewhere, without the good pleasure of his Majesty *."

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The seal of the Earl of Douglas, still entire, is affixed to the two deeds above-mentioned in October 1423 and April 1424.

These deeds shew that it was in spring 1424, that Archibald Earl of Douglas first arrived in France, and engaged in the service of that country; it is known that he brought over with him from Scotland a considerable reinforcement of troops, to the amount of about 5000. But the unfortunate battle of Verneuil, fought on the 17th day of August 1424, about four months thereafter, destroyed the hopes which Charles VII. had formed from the accession of the Earl of Douglas and of the troops brought with him from Scotland. The English army commanded by the Duke of Bedford in person, assisted by the Earls of Salisbury, Warwick, Suffolk, and Exeter, all of them distinguished generals, gained a decisive victory after a very bloody battle, in which the historians relate that on the part of the Scots, and of the French united with them, there were left on the field of battle 5000 killed, amongst whom there was their commander in

* The letters patent granting this duchy are dated the 19th of April 1423, avant Paque, i. e. Easter 1424; and they were in the year 1789 still extant in the Chambre des Comptes at Paris.

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Villaret,
tom. xvi.
p. 298, 299.

chief Archibald Earl of Douglas, Duke of Tourraine, John Stuart Earl of Buchan, Constable of France, and a vast number of the Noblesse of both countries, besides a great number of prisoners, amongst whom there was the Maréchal de la Fayette, Gaucour, and Mortemar. On the part of the English, there were 1600 killed; whence the Duke of Bedford forbid any rejoicings to be made for so bloody a victory.

After this fatal battle of Verneuil, the affairs of Charles VII. appeared almost desperate; but both parties were so much exhausted that there was no considerable exploit on either side during the remaining part of the year 1424, and a great part of the year 1425. Much of that time was employed in negotiations with the Duke of Brittany, and with his brother the Earl of Richemont; to whom the King (Charles) offered the dignity of Constable of France, vacant by the death of John Stewart Earl of Buchan, killed at the battle of Verneuil.

It appears that the Earl of Richemont accepted of that office, and dedicated his services to the interests of France and of Charles VII. though frequently at variance with his ministers, particularly with the Duke de Tremouille the chief minister.

In the history of this Earl of Richemont, Constable of France, published by Godfroi in the year 1622, there are some particulars mentioned, which shew that Sir John Stuart of Derneley, the Constable of the Scottish army, was connected with, and gave his assistance on different occasions to this Earl of Richemont the Constable; in relating the events of the year 1426, there is the following paragraph:

“ Or pour ce que les Anglois faisoient des grands courses, &
 “ beaucoup des maux en Bretagne, le Conneftable vint remparer
 “ Pontorson, ce fut environ la St. Michel: Et y vinrent des Francois
 “ et des Escossois avec lui; entre autres y estoient le Conneftable
 “ d’Escosse & Jean Ouschart, qui avoient bonne compagnie de
 “ gens

“ gens d’Eſcoſſe,” &c. “ Durant cela vinrent les Anglois un peu
 “ avant le ſoleil couchant, qui eſtoient en nombre bien de huit cens ;
 “ on faillit dehors aux champs & on ſe mit en bataille outre le Marais
 “ devers le Mont St. Michel, & ne ſcavoit-on qu’elle puiſſance les
 “ dits Anglois avoit. Si fit le Conneſtable d’Eſcoſſe deſcendre tous
 “ les gens d’armes & archiers à pied ; puis vinrent les ſufdits An-
 “ glois juſqu’à un trait d’arc ; & y en eut deux au trois, qui ſe
 “ vinrent faire tuer en notre bataille ; & y furent faits deux ou
 “ trois chevaliers. Quand les Anglois vinrent la bataille, ils ſ’en
 “ fuirent en grand deſordre & en fut pris et tué pluſieurs ; mais
 “ pour ce que tout étoit à pied ils ne peuvent etre ſi fort chaffez
 “ comme ils l’euffent été, qui eut été à cheval. Après que la place
 “ fut un peu bien fortifié, le Conneſtable, le Conneſtable d’Eſcoſſe,
 “ et le plus part des ſeigneurs et capitaines ſ’en allerent, excepté
 “ ceux que le Conneſtable y laiſſa.”

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BRANCH III.

Notwithstanding the very unpromiſing aſpect of the royal cauſe in France after the deſtructive battle of Verneuil, Sir John Stuart of Derneley the Conſtable of the Scots army, and his brother Sir William Stuart, remained ſteadily attached to the intereſt of that monarch, and continued ſo to the laſt days of their lives ; of which Charles and his Council were ſo ſenſible, that additional acknowledgments and inſtances of favour were granted to Sir John Stuart of Derneley, the Conſtable of the Scottiſh army. Particularly in the month of January 1426, in modern ſtyle 1427, the Comté d’Evreux in Normandy was granted to Sir John Stuart by letters patent, proceeding upon the following recital :

“ Charles par la grace de Dieu Roi de France, favoir faiſons à tous
 “ preſent et à venir, que nous conſiderons les haults, honorables, et
 “ commendables, proufitables, et très agréables ſervices et plaiſirs,
 “ que noſtre chier et feal couſin Jehan Stewart Seigneur de Derneley,
 “ Conneſtable de l’armée d’Eſcoſſe, étant en notre royaume, nous

Grant of the
 comté of
 Evreux by
 Charles VII.
 in favour of
 Sir John Stuart
 of Derneley,
 dated in Jan.
 1426.

“ a fait

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“ a fait par long temps à notre necessité, tant contre les Anglois
 “ nos anciens ennemis et adversaires, leurs adherens et complices,
 “ nos rebelles et desobeissances, comme en maintes autres manieres
 “ fait de jour en jour incessamment, et esperans que encore face ou
 “ temps à venir : et entendans et bien cognoissant les très grands
 “ charges qui en mises et depenses de finances et autrement, il a
 “ eues portées et soustenus pour notre secours et service, et à l’occa-
 “ sion d’iceulx, c’est assavoir à la venue du royaume d’Escoce en
 “ notre dict royaume à soy meitre fus, et plusieurs chevaliers et
 “ ecuyers, et autres gens de guerre qu’il à amenés et soustenus en sa
 “ compaignie en notre dict service, à soutenir son estat et à entretenir
 “ la dite armée d’Escossays ou grande partie d’icelle par ses moyens,
 “ conduit que travaulx longuement ainsi que encore fait à grands
 “ couts et frais, et en divers autres manieres : Attendu mesmement
 “ le petit payement que pour les gaiges état et soudoyement ou
 “ autrement en bienfaits il a eus de nous : desquelles choses nous
 “ reputons à lui moult à tenus, voulant pour les dites services et en
 “ recompensation d’iceulx le plus honorer & desdits mises et de-
 “ penses le recompenser, et à fin qu’il ait et tienne de notre grace
 “ & bienfait plus hault tiltre & Greigneur Seigneurie pourquoi
 “ il soit toujours plus curieux et astraint à nous et à notre service,
 “ et plus obligé au bien de nous et de notre dit seigneurie, et pour
 “ certains autres causes et considerations qui à ce nous ont meu et
 “ meuvent à icellui notre cousin le Sire de Dernlé, par l’avis et dé-
 “ liberation des seigneurs de notre sang et linaige estant à present
 “ devers nous de notre certaine science et royale autorité, pour lui
 “ et pour son hoir masle né ou à naitre, et descendant de son corps
 “ en loyal mariage, et ainsi après de hoir en hoir masle en droite
 “ ligne et loyale mariage seulement, avons donné, bailé, et delaisié,
 “ donnons, baillions, et delaissons par ces presentes, *notre Comté*
 “ *de Burgh de notre Duchie de Normandie*, ainsi qu’il ce comporte
 “ et

“ et extend en long et en large, avecques tous les cens, fruits,
 “ proufits, rents, revenus, et autres droits d'icellui quelxconques, et
 “ ses appartenans & dependances, et voulons et nous plait et à icellui
 “ nostre dict cousin avons octroyé; et octroyons que il puisse preindre
 “ et preigne le tiltre de Comte, et se nomme et fasse appeller, et
 “ qu'il soit nommer et appellé *Comte d'Evreux*, et semblablement
 “ après lui son dit hoir male, et les hoirs male dessus dits en droit
 “ ligne et en loyale mariage comme dit est: réservés à nous et à
 “ nos successeurs les foi et hommage, refort et souveraineté, et tous
 “ autres droits royaux pour le dit Comté d'Evreux, avecques des ap-
 “ pendances et appartenances, et autres choses dessus dites, avoir
 “ tenir en forme et maniere d'appanaige, &c.—Donné à Mont-
 “ luçon au mois de Janvier l'an de grace mil quatre cens vingt &
 “ six, et de notre regne le quint.”

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BRANCH II.

Et en la marge dessous étoit écrit ce qui s'en suit: “ Par le Roy
 “ en son Conseil, auquel la Roïne de Sicile, les Comtes de Clermont,
 “ de Richemont Connetable, de Foix, de Montpensier, de Ven-
 “ domes, et de Cominges; les Seigneurs D'Alebrét et de la
 “ Tremouille, et plusieurs autres du Conseil estoient.

“ (Signé)

MALLIERE.”

These lettres patentes still exist in the Chambre des Comptes at
 Paris; from whence an authenticated extract was delivered to the
 Author at Paris in the year 1789.

In the Tresor des Chartres belonging to the Crown kept at Paris,
 there is an original declaration granted by John Stuart of Derneley,
 signed and sealed by him the 15th of March 1426-7, with the seal
 still entire, subjoined to a copy of the said royal grant, by which
 deed Sir John Stuart declares, that at the time of receiving that
 royal grant, he had promised, and still does promise “ en bonne foi,”
 that whensoever his said Majesty Charles VII. or his successors should

pay

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pay to him, or to his heirs, the sum of fifty thousand ecus d'or, he or his heirs should be obliged to renounce to his Majesty the said Comté d'Evreux, fully and completely, without reserving any thing on account of the pay due to him for his services in any manner whatsoever. This declaration was made by Sir John Stuart of Derneley in his Majesty's Chambre des Comptes at Bourges, in presence of " l'Eveque de Clermont Chancelier de France, l'Eveque de Sens, " Messire George Seigneur de la Tremouille & de Sully, Messire " Gilbert Seigneur de la Fayette Maréchal de France, Messire Robert " Masson Seigneur de Trêve, le Jean de Comte, et plusieurs autres du " Conseil du Roi notre dit Seigneur : " And it concludes thus— " En " témoigne de ces, nous avons signé ce present lettre de notre " sign manuel, et scellé de notre seal. Donné le quinzieme jour de " Mars l'an mil quatre cens vingt et six.

" (Signé)

DERNELEY *."

An additional proof of the sense entertained of the services rendered by Sir John Stuart of Derneley, appears from the lettres patentes, dated 4th February 1427-8, by which Charles of France " en perpetual memoir de tant de signalez et importants services rendu par le dit Jean Stewart Connestable d'Escoffe, lui permit " et à ses descendans de porter ses armes écartellées de celles de " France."—These lettres patentes are mentioned in La Thaumasiere's Histoire de Berry, printed at Bourges, anno 1591, p. 697. They are likewise mentioned in Symphorien Guyon's History of Orleans, published at Orleans in 1650, p. 181.

* Of the deed thus executed by Sir John Stuart of Derneley, and likewise of the two deeds before-mentioned executed by the Earl of Douglas in October 1423 and April 1424, authenticated copies, dated the 15th of September 1789, signed by Monsieur Joby de Fleury, the Procureur General de France, Garde des Titres Papiers et Chartres de la Couronne, were delivered to the Author, and are in his possession.

Agreeable

Agreeable to the letters patent above-mentioned, respecting the quartering the arms of France, which in that country, and in those times, was a mark of distinction highly prized, the said John Stuart himself and all his descendants bore their arms quartered with those of France.

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In the end of the year 1427, or beginning of the year 1428, Sir John Stuart of Derneley was one of the three ambassadors sent by King Charles VII. of France to King James I. of Scotland, for negotiating a marriage between Lewis eldest son of Charles of France, and Margaret eldest daughter of James of Scotland. The other two ambassadors were Reginald Archbishop and Duke of Rheims, and Mr. Alan Anvigall Cancellarius Bajocen.

These ambassadors succeeded in their embassy, as appears from the letters patent under the great seal of Scotland, granted by King James, dated at Perth the 19th of July 1428; and as these letters not only mention the names of the ambassadors who had been sent from France to Scotland, but also mention the terms of the marriage treaty which had already been concluded between King James and them; hence it appears evident, that they must have arrived in Scotland a considerable time prior to the 19th of July 1428.

One of the articles agreed upon was, that King James was to send his daughter to France in the first ship that should be sent for her from France at any time after Candlemas then next to come within the year; and James also undertook to send with her 6000 men in the manner to be settled between the King of France and certain ambassadors which the King of Scotland was to send to him on that subject.

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The treaty which had been thus agreed to by James in July 1428, was ratified and confirmed by Charles of France and his Council, as appears from the letters patent granted by Charles under his seal at the Castle of Caen the penult day of October 1428; to which letters the Archbishop of Rheims, then returned from Scotland, was one of the witnesses.

Soon after Sir John Stuart of Derneley's return to France from his embassy to Scotland, he, as Constable of the Scottish army in France, appears to have gone with the troops under his command, and with his brother Sir William Stuart, to the assistance of the French forces which at that time defended the town of Orleans against the English army.

PROOFS concerning Sir JOHN STUART and his Brother Sir WILLIAM, furnished by various Histories of the Siege of Orleans.

Almost all the French historians mention the presence of Sir John Stuart the Constable of the Scottish army, and of his brother William Stuart, and the exertions made by them during the siege of Orleans.

Belleforêt, in his Annals of France before-mentioned, vol. ii. pp. 1077, 1078, gives an account of the siege of Orleans, from the commencement of it in October 1428; and in the course of that narrative he particularly mentions William Stuart the brother of John Stuart of Derneley the Constable of the Scottish army, and the time when that William Stuart came to the assistance of those friends of Charles VII. who were besieged in Orleans. The passage at the bottom of folio 1078, recto, is in these words:

" La gaillardise des tenans et le peu que les assiegeans gaignoient
 " sur eux, et leur longue tenue et force à souffrir ce siege, ayant
 " déjà près de trois mois qu'ils étoient enclos, estoit cause que
 " plusieurs alloient courageusement se rejeter dedans la ville
 " (d'Orleans) pour courir avec eux une mesme fortune; entre
 " lesquels furent ceux qui vinrent avec le Sieur de Gaucourt, Gou-
 " verneur d'Orleans, qui étoit fort pour avoir secours, autant que
 " Guillaume Stuard frere du Seigneur d'Aubigny, après qu'il se
 " fut reconcilié au Roi, (car il étoit de la ligue du Connestable*
 " contre le Seigneur de la Tremouille,) et les Seigneurs de Barbazan
 " et de Verduzan, Gascons, et autres plusieurs jusqu'au nombre
 " de mille bons combattans, lesquels vinrent conduisans vivres
 " et autres munitions à Orleans, non sans un grand soulagement
 " pour les assiegés," &c.

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On page 1078, verso, speaking of the troops which defended the town of Orleans, there is the following paragraph:

" De cette armée fut fait General pour le Roi Monsieur Louis de
 " Bourbon Comte de Clermont, fils aîné du Duc de Bourbon, ayant
 " en sa compagnie Messire Jean Stuart Connestable d'Ecosse, et le
 " Seigneur de la Tour d'Auvergne, et presque toute la noblesse de
 " Bourbonnois, Auvergne, et pays voisin, qui montoit à quatre mille
 " combattans; du quel secours le Roy avoit déjà donné avertissement
 " à ceux d'Orleans."

In folio 1079, Belleforêt gives an account of the battle of Rouvroy, commonly called the battle des Harrans, which happened in February 1429, and mentions the persons killed there as follows:

" Il y demeura de quatre à cinq cens corps roides estendus sur
 " la terre, entre lesquels furent plusieurs grands Seigneurs, Chevaliers,

* From this passage it appears, that William Stuart was of the party of the Comte de Richemont the Constable of France, who was a declared enemy of Monsieur de Tremouille, the King's Minister.

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“ et Capitaines, tels que Messire Guillaume d’Albret Seigneur
 “ d’Orval, Jean et Guillaume Stuard, Escossois, freres, Le Viscomte
 “ de Castelbon et de Rochechouard, Messire Jean Chabot, et le
 “ Seigneur de Verduzan, les corps desquels furent portés à Orleans,
 “ et gissent à Sainte Croix, eglise cathedrale de la ditte ville.”

This account given by Belleforêt is confirmed in the most essential particulars by Symphorien Guyon, who in his History of Orleans, printed in 1650, part ii. p. 182, et seq. has given a full and particular account of the famous siege of Orleans.

This History by Symphorien Guyon, p. 193, mentions, that upon Tuesday the 8th of February 1429, there entered into the town of Orleans several valiant men, and well armed, amongst whom were “ Messire Guillaume Stuart, brother of the Constable of “ Scotland.”

Page 196. “ That the Comte de Dunois (the bastard of Orleans),
 “ upon Thursday the 10th of February 1429, went out of Orleans
 “ with 200 combatants to go to Blois to join the Comte de Clermont,
 “ who with the Constable of Scotland (John Stuart of Derneley)
 “ and other valiant chevaliers and captains, had gathered together
 “ about 4000 soldiers.”

“ That on Friday the 11th February, there went from Orleans
 “ for the same objects, Messire Guillaume d’Albret, Seigneur d’Orval,
 “ Messire Guillaume Stuart brother of the Constable of Scotland,
 “ the Marechal St. Sévérac, &c. with many other knights and
 “ squires, and about 1500 men, all resolved to join the body under
 “ the command of the Comte de Clermont, for the purpose of at-
 “ tacking the convoy of provisions which was coming from Paris
 “ for the use of the English.”

Page 198. Symphorien Guyon gives an account of the most remarkable persons killed in the battle des Harrans on the 12th of February 1429, in these words :

“ Ceux

“ Ceux qui furent tuez de nos gens furent Messires Guillaume
 “ d’Albret d’Orval, Jean Stuart Connestable d’Ecosse, Guillaume
 “ Stuart son frere, &c. Les corps de ces Seigneurs ainsi tuez en cette
 “ rencontre furent depuis apportez à Orleans, et inhumez dans
 “ l’eglise de Saint Croix avec un service funebre fort solemnel.”

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The siege of Orleans with all the circumstances attending it, and the persons who fought and suffered during that famous siege, have been handed down to posterity in a more authentic manner than commonly happens in events of such an ancient date, for there is an history of it under the following title :

“ Histoire et Discours au vrai du Siege qui fut mis devant la
 “ Ville d’Orleans par les Anglois le Mardy le 12^{ieme} Oct^{re} 1428,
 “ regnant alors Charles VII. de ce nom Roy de France.

“ Contenant toutes les faillies, assaults, escarmouches, et autres
 “ particularités notables, qui de jour en jour y furent faites, &c.

“ Prise de mot en mot sans aucun changement de language d’un
 “ vieil exemplaire escrit à la main en parchemen, et trouve en la
 “ maison de la ditte ville d’Orleans.

“ À Orleans.”

“ 1576.”

In that old History of the Siege of Orleans found in the Town House of that city, there are the following particulars concerning William Stuart the brother of Sir John Stuart of Derneley, the Constable of the Scottish army.

Page 11. “ Le lendemain jour de Mardy (8 Fevrier), entrerent
 “ dedans la ville d’Orleans plusieurs très vaillant hommes de
 “ guerre et bien abillez, et entre les autres Messire Guillaume Estuart
 “ frere du Connestable d’Ecosse, le Seigneur de Sancourt, le Seigneur
 “ de Verduran, et plusieurs autres Chevaliers et Ecuyers, accompagnez
 “ de mil combattans tellement abillez, pour faict de guerre qui c’estoit
 “ une moult belle chose à veoir.

“ Ce

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“ Ce même jour arriverent du nuict deux cent combattans qui
 “ estoient à Messire Guillaume d’Albrêt, et peu après six vingt autres
 “ estant à la Hire,” &c.

Page 12. “ Le lendemain, qui fut Jeudy (10^{ème} Fevrier) se partit
 “ d’Orleans le Bastard d’Orleans et deux cent combattans avec luy,
 “ pour aller à Blois devers le Comte de Clermont, et Messire Jean
 “ Estuart Connestable d’Escoffe, le Seigneur de la Tour Baron
 “ d’Auvergne, le Viscomte de Thouars Seigneur d’Amboise, et autres
 “ Chevaliers et Ecuyers accompagnez, comme on disoit de bien quatre
 “ mille combattans, tant d’Auvergne, Bourbonnois, comme d’Escoffe,
 “ pour savoir d’eux l’heure et le jour qu’il leur plairoit mettre
 “ d’assaillir les Anglois et faux Francois, amenans de Paris vivres et
 “ artillerie à leurs gens tenans le siege.”

“ Le Vendredi (11 jour) d’icelui mois de Fevrier, se partirent
 “ aussi d’Orleans Messire Guillaume d’Albret, Messire Guillaume
 “ Estuart frere du Connestable d’Escoffe, le Marechal de Saint
 “ Severe, le Seigneur de Graville, le Seigneur de Saint
 “ Trailles, et la Hire, Poten son frere, le Seigneur de Verduran,
 “ et plusieurs autres Chevaliers et Ecuyers accompagnez de
 “ quinze cens combattans, et tendans eux trouvez et assemblez
 “ aveqves le Comte de Clermont et les autres ja nommés pour
 “ aller au devant des vivres, & les assaillir; et celui même jour se
 “ partit pareillement celui Comte de Clermont, et fist tant qu’il
 “ vint à tout sa compagnie en Beausse à un village nommé Rouvroi
 “ de St. Denys, qui est à deux lieues d’Yonville; et quand ils furent
 “ tous assemblez, ils se trouverent de trois à quatre mille combattans,
 “ et ne s’en partirent jusques au lendemain environ trois heures
 “ après midy.”

“ Celui jour le lendemain qui fut le Samedy douziesme jour de
 “ Fevrier, Messire Jean Fascot, et plusieurs autres Chevaliers et
 “ Escuyers du pays d’Angleterre, accompagnez de quinze cent com-
 “ battans,

“ battans, tant Anglois, Picards, Normans, qu’autres gens de divers
 “ pays, amenoient environ trois cent que chariots et charettes
 “ chargés de vivres et de plusieurs abillemens de guerre, comme
 “ canons, arcs, trouffes, traict, et autres choses, les menans aux autres
 “ Anglois tenans le siege d’Orleans,” &c.

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This History or Journal of the Siege of Orleans, then proceeds to state what happened on the near approach of the opposite forces of the French and of the English, and the unlucky blunder committed by the Count de Clermont, in restraining the advanced party of the French from attacking the English convoy at a time when they could have attacked them with great advantage. It is there stated, that the advanced party under the command of La Hire and other leaders had learnt that the English with the convoy of provisions were marching without order, and without having any suspicion of being attacked or surprised; and that La Hire and others were all of opinion they ought to attack the English while they were coming forward in this improvident manner:

“ Mais le Conte de Clermont manda plusieurs fois, et par divers
 “ messages à La Hire & autres, ainsi disposans d’assailler leurs ad-
 “ versaries, & qu’ils trouvoient en eux tant grand avantage, qu’ils ne
 “ leur feissent aucun assault jusques à sa venue, et qu’il leur amene-
 “ roit de trois à quatre mil combattans moult desirans d’assembler
 “ aux Anglois. Pour l’honneur & amour duquel ils delaissèrent
 “ leur entreprinse à leur tres grand desplaisance, et sur tous de La
 “ Hire, qui demonstroit l’apparence de leur dommage, entant que
 “ on donnoit espace aux Anglois d’eux mettre et ferrer ensemble;
 “ et avecques ce d’eux fortifier de paux et de charriots. Et à la
 “ verité La Hire & ceux de sa compagnie partis d’Orleans estoient
 “ arrestez en un champ au front et tant près des Anglois, que tres-
 “ legierement les avoient veuz, comme est dit, venir à la file & eux
 “ fortifiez, dolens à merveilles de ce qu’ils ne les osoient assaillir,
 “ pour la deffence et continuels messages d’iceluy Conte de Cler-
 “ mont, qui tousjours s’approchoit au plus qu’il pouvoit. D’autre
 “ part

PART " part porta aussi moult impaciement celle attente *le Connestable*
III. " *d'Escoffe*; lequel étoit pareillement venu la prés à tout environ
Nº IX. " quatre cens combattans, où avoit de bien et vaillans hommes.
BRANCH II. " Et tellement qu'ainsi qu'entre deux & trois heures après midy
 " approcherent les archers & gens de traict François, d'eux leurs
 " adversaires, dont aucuns estoient ja saillis de leurs part, qu'ils con-
 " traignirent reculer tres-hastivement, et eux reboutter dedans par force
 " de traict, dont ils les chargerent tant espeusement qu'ils en tuerent
 " plusieurs: & ceux qui peuvent eschapper, s'en rentrerent dedans
 " leur fortification avecques les autres."

Folio 13, verso. " Pourquoi et lors quand le Connestable
 " d'Escoffe vit qu'ils se tenoient ainsi ferrez et rangez sans monstrier
 " semblant d'yffir, il fut par trop grand chaleur tant desirant de les
 " vouloir assaillir, qu'il despeça toute l'ordonnance qui avoit été faite
 " de tous que nul ne descendit, car il se mit après sans attendre les
 " autres, et à son exemple, et pour lui aider descendirent aussi le
 " Bastard d'Orleans, le Seigneur d'Orval, Messire Guillaume Estuard,
 " Messire Jean de Mailhac, Seigneur de Chasteaubrun, Vicomte de
 " Bridiers, Messire Jean de Lefgot, le Seigneur de Verduran, Messire
 " Loys de Rochechouart, Seigneur de Monpipeau, et plusieurs
 " autres Chevaliers et Escuyers, avecques environ quatre cens com-
 " battans, sans les gens de traict, qui ja s'étoient mis à pied, &
 " avoient rebouttez les Anglois & fait moult vaillamment.—
 " Mais peu leurs valut: car quand les Anglois virent que le grand ba-
 " taille, qui estoit assez loing, venoit laschement, & ne se joignoit
 " avec le Connestable et les autres de pied, ils faillirent hastivement
 " de leur parc, et frapperent dedans les François estans à pied, et les
 " mirent en desarroy et en fuite, non pas toutes fois sans grand
 " tuerie; car il y mourut de trois à quatre cens combattans Fran-
 " çois."

Folio 14. gives an account of the most remarkable persons
 killed in that encounter on the 12th of February 1429, in these
 words: " Estoient là mors et tuez plusieurs grands Seigneurs,
 " Chevaliers,

“ Chevaliers, Escuyers, nobles et vaillans Capitains et Chefs de guerre, et entre lesquels y furent tuez—

“ Messire Guillaume d'Albret Seigneur d'Orval,

“ Messire *Jean Estuart* Conestable d'Escoffe,

“ Messire *Guillaume Estuart* son frere,

“ Le Seigneur de Verduran,

“ Le Seigneur de Chasteaubrun,

“ Messire Loys de Rochechouart, et

“ Messire Jean Chabot, avec plusieurs autres, qui tous estoient de grands noblesse et tres renommé valiance.

“ Les corps des quels Seigneurs furent depuis apportez à Orleans, et mis en sepulture dedans la grande eglise dicte Sainte Croix, là où il se feist pour eux beau service Divin.”

These extracts from the Ancient Journal of the Siege of Orleans, found in the Town House of Orleans, have been made the more full, because the precise and circumstantial account there given of the events from day to day, and of the persons concerned in these events, cannot fail to afford strong conviction of that account being well founded, both as to the facts and as to the persons concerned; particularly as both *John Stuart* and his brother *William* are so frequently mentioned in that journal, without confounding the one with the other; on the contrary, distinguishing the different parts they acted, and marking the different periods at which the one or the other arrived at Orleans, or set out from thence, there can be no doubt that both these brothers were well known during the siege of Orleans, and that the fact stated of their having both lost their lives in the same field of battle on the 12th of February 1429 is perfectly certain.

In further confirmation of these facts there is a passage in a very old History of the Siege of Orleans, written in Latin, wherein the circumstances of the death of John Stuart the Constable, and of his brother William, are related in a very interesting manner. The

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title of the book is: "*Aureliæ Urbis Anglicanæ Obfidio, &c. Autore Joanne Lodocio Micquello.*" The first edition of this book was published in 1560, and there was another edition in 1631; both of which are now very scarce: it is esteemed one of the best histories of the Siege of Orleans. The character given of it by Langlet is in these words, that it is "exact, curieux, et peu commun *."

The passages in that History relating to John Stuart and his brother William, are as follow:

P. 55, of the edition 1631 †. "Eodem tempore (8vo Februarii 1429,) utriusque armaturæ equites mille urbem (Aureliam) ingrediuntur, quibus culta virtute qua nihil ornatius esse poterat; inter quos eminebant *Gulielmus Stuardus Scotus*, *Gaucourtius*, et *Verduranus*," &c.

P. 56. "Nothus Aurelius, *Gulielmus Alebertus*, *Gulielmus Stuardus*, *Sanseverus*, *Gravillus*, *Santraille*, *Poto*, *Verduranus*, cum militibus

* In the Comte d'Artois' library at Paris, there was a copy of this book, N° 3582, under the general title of *Histoire de France troisieme Race jusqu'à Louis XII.* It is the only copy the author could find at Paris in the year 1789.

In the manuscript catalogue kept there of the Comte d'Artois' library, there are many observations opposite to the articles in the catalogue in which Mons. d'Argenson, to whom great part of that collection of books had originally belonged, gives his opinion of the books or manuscripts referred to; and opposite to the article N° 3582, there is this character of it by Mons. d'Argenson: "Ouvrage curieux et rare, mais suivant l'Abbé Langlet il y a une seconde edition de 1631, augmentee et plus complete. L'auteur, une espece de professeur à Orleans s'appellé Miqueot et non Micquellot, comme l'ont voulu quelques uns."

† TRANSLATION of the above Passages from *MIQUEOT'S History of the Siege of Orleans.*

P. 55. "At the same time (8th of February 1429) a thousand cavalry, armed for fighting either on horseback or on-foot, men of tried and incomparable valour, among whom William Stuart, a Scotchman, Gaucourt, and Verduran, &c. were chiefly distinguished, enter the town of Orleans."

P. 56. "The Bastard of Orleans, William d'Alebert, William Stuart, Saint Severe, Graille, Sainttrilles, Poto, Verduran, &c. having proceeded from Orleans with a body

" militibus mille quingentis Aurelia profecti, alio opportuno loco
 " haud longe ab aliis suos continent."

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Pp. 58 and 62. In describing the battle on the 12th of February 1429, the author gives the following particular and interesting account of the behaviour and fate of the two brothers John and William Stuart :

" Jam funditores Franci, pilis missis, Anglos laceffere incipiebant ;
 " cum Joannes Stuardus, vir Scoticus, e Stuarda regia familia Scotorum,
 " equitum magister, qui eo cum equitibus quater centum venerat,
 " ut erat pugnaci ingenio, et ad omnem vel dubiam pugnae aleam para-
 " tus, quin confligeret vel obtestantibus obsistentibusque, aliis reti-
 " neri non potuit, priusquam enim hostes longius recederent, con-
 " festim audendum fortibusque animis invadendos judicabat, vel
 " exigua namque mora emitti e manibus, neque postea ut equa con-
 " ditione confligeretur occasionem fore.

" Ipsi exemplo Gulielmus Stuardus frater, Nothus Aurelius,
 " Orvallus, Joannes Meillacus, Mompipius, Castellobrunus, Joannes
 " Lescottus, Verdorannus, Rochechouartus, infelici consilio, amotis
 " equis, quo militibus, exaquo periculo, animus amplior esset, in
 " pedes

" a body of 1500 troops, took post in a convenient situation at a small distance from
 " the rest (or main body) of the army."

P. 58. " Already the French slingers, having discharged their javelins, had begun
 " to insult and harass the English ; when John Stuart, a Scotchman, descended from
 " the Royal family of Scotland, and commander of the cavalry, who had come up
 " with 400 horse, a man of a warlike temper, and forward to engage in every
 " hazardous enterprise, was not to be restrained by entreaty or remonstrance from
 " giving battle to the enemy. He contended, that before the enemy should have
 " time to effect a retreat, a daring effort against them ought instantly to be made, and
 " that they should be charged with the utmost vigour ; the smallest delay, he said,
 " might enable them to slip out of their hands, nor might another opportunity ever
 " present itself of bringing them to action on equal terms.

" Stimulated by his example, his brother William Stuart, the Bastard of Orleans,
 " the Seigneur d'Orval, Jean de Mailhac, Monpipeau, Chateaubrun, John Lescot,
 " Verduran, Rochechouart, &c. from a misconceived idea, that by dismissing their

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“ pedes desilierunt, acieque instructa ad castra hostium contendunt,
 “ qui, omnibus rebus subito perterriti, cum existimarent omnes
 “ Francorum copias adventuras, neque consilii habendi, neque arma
 “ capiendi spatio dato, perturbabantur, ut copias ne adversus hostem
 “ educere, an castra defendere, an fuga salutem petere, nescirent
 “ quid præstaret. Sed Fortuna, quæ plurimum potest in reliquis
 “ rebus, tum præcipue in bello, parvi momenti magnas rerum com-
 “ mutationes efficit, ut tum accidit; nam Angli, cognita Francorum
 “ paucitate, cum longius abesse Claromontamum cum robore exer-
 “ citus viderent, eruptione facta, infestis signis, tanta vi in Francos
 “ impetum fecerunt, ut major pars conversa, non solum loco exce-
 “ derent, sed protinus incitati fuga castra repeterent, Angli animos
 “ tollere, et in percussos Francos acrius incedere. Tum spectaculum
 “ horribile in campis patentibus, sequi, fugere, occidi, capi, multi
 “ vulneribus acceptis, neque fugere posse, neque quietem pati, nisi
 “ modo et statim concidere.”

P. 62.

“ horses and thus participating in the common danger, they should inspire the
 “ soldiers with additional courage, alighted, and having formed their men, led them
 “ on to the enemy's camp. The enemy thus suddenly alarmed and disconcerted from
 “ the apprehension that the whole French army was approaching, and having time
 “ neither to deliberate, nor to put themselves in a posture of defence, were thrown
 “ into confusion, insomuch that they could not decide whether it were better to
 “ draw out their forces against the enemy, defend their camp, or seek their safety in
 “ flight. But fortune, which has so much influence in all human affairs, especially in
 “ the pursuits of war, frequently produces great changes from trivial occurrences: so
 “ it happened in the present case; for the English discovering the weak numbers of
 “ the French, and perceiving that Clermont with the main body of the army was at a
 “ great distance, made a sally in order of battle, and attacked the French with such
 “ impetuosity, that the greater part not only quitted their ground, but betaking them-
 “ selves to flight, endeavoured to regain their camp. Meanwhile the English ac-
 “ quiring fresh courage pursued with redoubled vigour the discomfited French,
 “ What a scene of horror then presented itself in the plain! flight, pursuit, slaughter,
 “ capture of prisoners—while many among the wounded were neither in condition
 “ to fly, nor suffered to repose; these making a last effort were seen suddenly to fall.”

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P. 62. "In eo proelio ceciderunt ex Francis quadringenti et
 "amplius homines, atque in his paulo clarioris nominis Aleburtus
 "Orevallus, *Gulielmus Stuardus*, Verduranus, Chastellobranus, Ro-
 "chachouartus, Joannes Chabotus, et *vir fortissimus Joannes Stu-*
 "*ardus, amplissimo genere natus*; hic, cum fratre intercluso ab hostibus
 "auxilium ferret, illum ex periculo eripuit ipse vulneratus, quoad
 "potuit fortissime restitit; cum circumventus multis vulneribus accep-
 "tis cecidisset, atque id frater, qui jam proelio excesserat procul ani-
 "madvertisset, citato pede, sese hostibus obtulit atque interfectus est."

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The particulars thus related concerning the affectionate and gallant behaviour of the two brothers Sir John and Sir William Stuart, cannot fail to leave a strong impression of their characters, especially as these facts have been handed down to posterity by a very ancient and approved author, of a different country from that to which Sir John and Sir William Stuart belonged, and who, from the style in which he writes, seems to have been a great admirer of their actions.

To these authorities there might be added those of many other French historians, some of whom mention William Stuart as the faithful companion of his brother Sir John Stuart of Derneley, in all his military enterprises in France. This is mentioned particularly by Thaumassiere in his History of the province of Berry, published at Bourges in the year 1690, where, under the title of Au-

P. 62. "In that battle there fell on the side of the French above four hundred
 "men; among whom of more than ordinary distinction were Alebret, Orval, Wil-
 "liam Stuart, Verduran, Chateaubrun, Rochechouart, John Chabot, and above all, the
 "truly heroic John Stuart, descended of a most illustrious race. This gentleman
 "coming to the relief of his brother, who had fallen into the hands of the enemy,
 "extricated him from danger, and, though himself wounded, made a most gallant and
 "persevering resistance, till at length surrounded by the enemy, and covered with
 "wounds he sunk to the ground. His brother, who had retired from the battle, ob-
 "serving from a distance what had passed, again flew to present himself to the enemy,
 "and was slain."

bigny,

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bigny, he takes occasion to give a succinct account of the merits of the two brothers while in France, and of the favours and marks of distinction conferred on Sir John Stuart of Derneley by Charles VII.

The account so given by Thaumassiere, confirms many of the articles stated in the preceding sheets, as will appear from the following extract :

“ En ce temps Jean Stuart Connetable d’Ecosse amena au secours
 “ de ce roy (Charles VII.) des bandes de gens de pied & des archers
 “ à cheval, qu’il entretint plusieurs années à ses frais et depens,
 “ pendant lesquelles il luy rendit de signalez services, vain-
 “ quit les Anglois en plusieurs rencontres, gagna les batailles de
 “ Crevant et de Baugé, au moyen desquelles il releva les affaires de
 “ France, & remit aux François le courage de se defendre, et de
 “ chasser les Anglois hors de royaume. En consideration de ces
 “ importans services, le Roi Charles VII. lui donna le Comté
 “ d’Evreux et la Chatellerie de Concourfault, et depuis, par patentes
 “ données à Bourges le 26 Mars 1422, verifiées au parlement le
 “ penultieme de Juillet 1425, il lui transporta à perpetuité, et à ses
 “ hoires masse en droite ligne, la ville, terre, chatel, et chatellerie
 “ d’Aubigny sur Nerre, sans en rien retenir que la foy et hommage-
 “ liege, ressort et souveraineté. Ce Seigneur ayant continué ses ser-
 “ vices, le même roy n’ayant lors de quoy le recompenser, lui
 “ permit, pour marque de sa reconnoissance, d’ecarteller ses armes
 “ de celle de France, & de les porter au premier et dernier quartier
 “ de l’Ecuquarré de celles de sa famille, qui est un privilege de tout
 “ tems estimé très particulier, et qui n’a été conféré qu’à ceux qui
 “ avoient beaucoup merité de l’etat, et qui lui avoient rendu de
 “ signalez services. Ce hero magnanime ne cessa de continuer ses
 “ proüesses pour le service du roy jusques à sa mort : qui l’emporta
 “ combattant genereusement pour la defense de la ville d’Orleans en
 “ la bataille des Harangs. *Guillaume Stuart, son frere, mourut au*
 “ *même lit d’honneur, qui avoit été jusques alors compagnon de ses*
 “ *victoires*

“ *vicloires et de ses trophées, comme il le fut de sa mort.* Ils furent
 “ inhumés en l’église cathédrale de Sainte Croix d’Orléans en la
 “ chapelle de Notre Dame Blanche, derrière le chœur, qui est riche-
 “ ment ornée de plusieurs colonnes & ouvrages de marbre noir.
 “ Ce Seigneur, prévoyant sa mort dans les hazards ordinaires de la
 “ guerre, avoit fait son testament, et fondu en cette chapelle une
 “ masse haute à perpétuité tous les jours à l’issue de matines, à
 “ laquelle les enfans de chœur doivent assister*.”

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It has now been proved, by the records of the Chambre des Comptes at Paris, and by the concurring testimony of the best French histories of these times, that the two brothers Sir John and Sir William Stuart were engaged in the wars in France in the time of Charles VII. from the year 1420 or 1421, to the year 1429, and that upon the 12th of February 1429, (according to modern stile,) they both fell in the same battle during the siege of Orleans.

In this Part III. as well as in the preceding Part II. there have been many strong indications that Sir William Stuart of Castelmilk, Knight, mentioned in Rymer’s *Fœdera*, anno 1398, was one and the same person with Sir William Stuart, Knight, the son of Sir Alexander, and the brother of Sir John Stuart of Derneley. But as there will be several indications of the same kind in the subsequent Parts of this History, the more complete proof of that fact is reserved for a discussion at the end of Part VI., where the various facts and circumstances tending to the same conclusion will be brought together under one point of view, so as to establish in the most satisfactory and unquestionable manner the truth of the proposition, that Sir Wil-

* The mass thus founded at Orleans by Sir John Stuart of Derneley, continued to be said daily in the chapelle of Notre Dame Blanche at Orleans, down to the present times, and was distinguished by the name of La Mess Ecoissoise.

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liam Stuart, Knight, the brother of Sir John Stuart of Derneley, was one and the same person with Sir William Stuart of Castelmilk, Knight.

THE facts and proofs relating to Sir John Stuart of Derneley, and his brother Sir William Stuart, were so much connected and interwoven with each other, that it was thought proper to state and collect them together under the two branches of this Part Third, which terminates with the death of both the brothers in February 1429.

The subsequent Parts of this Genealogical History will now be dedicated, in the first place, to tracing the male descendants from Sir John Stuart of Derneley, the eldest brother and head of the family; in the course of which it will appear that Cardinal York, now at Rome, the grandson of James II. of England, is the last of all the male descendants from the said Sir John Stuart of Derneley, the first Lord of Aubigny.

Supposing that point to be proved, it must necessarily follow, that the representation of the Stuarts of Derneley, Lennox, and Aubigny, and likewise the representation of the ancient Stuarts of Scotland in the male line, must, after Cardinal York's death, belong to the person who shall be able to prove his descent in the male line from Sir William Stuart, the brother of the said Sir John Stuart of Derneley.

The VIIth and concluding Part of this Genealogical History will therefore be employed in tracing the successive generations of the Stuarts descended from the first Sir William Stuart, killed in the wars in France on the 12th of February 1429.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART FOURTH.

Beginning from the Death of Sir JOHN STUART of Derneley, in February 1429, and tracing the Male Descendants from him to the Death of JOHN STUART the first Lord Derneley and Earl of Lennox, who died in the Year 1494; continued to the Year 1508, when BERNARD STUART of Aubigny died.

Sir JOHN STUART of Derneley in Scotland, Seigneur d'AUBIGNY, and Comte d'EVREUX in France, left three Sons, ALAN, ALEXANDER, and JOHN.

The TENTH GENERATION, *from the first*
STEWART of Scotland.

1. Sir ALAN STUART, Lord of Derneley.
2. ALEXANDER STUART, who died without male issue.
3. JOHN STUART, who had an only son BERNARD STUART.

PROOFS *concerning* Sir ALAN *the eldest son.*

WHETHER Sir Alan Stuart was in France at the time of his father's death in February 1429, does not appear; but it does appear that he was in Scotland in the month of November

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1429; for there is still extant a decret of Sir John Forster of Corstorphin, chamberlain of Scotland, dated the 3d of January 1429-30, pronounced in a contest between the burghs of Renfrew and Dumbarton, relating to the salmon fishings in the river Clyde; upon which occasion the matters in dispute were referred to the cognizance of an assize or jury composed of noblemen and gentlemen of that part of the country, who assembled at Glasgow on the 22d of November 1429. The names of the Jury are inserted in the chamberlain's decret, and amongst these there are the following names and descriptions:

- " Allan Stuart Lord of Darnlee.
- " Robert Stuart Lord of
- " Alexander Stuart.
- " David Stuart Lord of Finnard *."

As Sir John Stuart of Derneley, and his brother William, had been killed in France in February 1429, so it appears most probable that their eldest sons had both remained at home, as they thus appear to have been present together in Renfrewshire in the month of November of that same year (1429). There can be no doubt that Alan Stuart mentioned in the decret as Lord of Darnlee, was the eldest son of Sir John Stuart of Derneley; and there is as little doubt that David Stuart, Lord of Finnard, was the eldest son of Sir William Stuart of Castelmilk, for both Finnard and Castelmilk belonged to that family; and the same David Stuart here designed of Finnard, was at other times designed of Castelmilk,

* The original decret above-mentioned is amongst the papers belonging to the burgh of Renfrew, where Mr. David Erskine had occasion to read it, as by his letter to Lady Stuart of Castelmilk, dated the 27th of July 1789. He could not make out the designation of Robert and Alexander, the old writing in that part being illegible; but the designations of Alan and David Stuart are perfectly legible.

There is also in the Register-office at Edinburgh, a transumpt of the above decret, dated the 12th of February 1634.

as appears by authentic papers still extant, and which will be more particularly mentioned when treating of David Stuart of Finnart and Castelmilk in Part VII. PART
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The other two Stuarts mentioned in Sir John Forster's decret as present at Glasgow upon the occasion above-mentioned were, Robert Stuart, Lord of, and Alexander Stuart; the first of whom was probably Robert the uncle of Alan. With respect to Alexander Stuart, he was probably the brother of Alan Lord of Derneley; it is known with certainty that Alan had a brother of the name of Alexander, and an uncle of the name of Robert, to whom the lands of Wyftoun were given by his father Sir Alexander Stuart of Derneley, as mentioned in Part II.

The following original papers executed by Alan Stuart Lord of Derneley, in the years 1429 and 1433, have been lately discovered in the charter-room at Hamilton, *viz.*

CHARTER, dated at Crupton the 5th of December 1429, by Alan Stuart, Dominus de Derneley; and precept of *fasine*, dated at Crupton the 10th of December 1429, by Alan Stuart Lord of Derneley, in favor of Thomas Dalziell, of certain lands in Avendale. Witnesses Alexander Stuart of and William de Maxwell, &c.

BOND, dated the 2d of February 1433, by Alan Stuart Lord of Derneley, to Robert Dalziell, concerning a part of the lands of Galstoun.

In the same bundle in the charter-room at Hamilton, being N^o 211 of the inventory, there are several deeds, receipts, and discharges granted by Katherine Seton, wife of Alan Stuart Lord of Derneley, concerning lands in Avendale, &c. life-rented by her; some of which papers were executed by her whilst widow of Alan Stuart, and others after her second marriage to Robert Lord Maxwell of Carlaverock.

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Amongst the ancient papers kept in the Scotch college at Paris, and which formerly belonged to the Archbishopric of Glasgow, there is the following original instrument, dated the 2d of February 1429-30:

"Carta Alani Stuart, Domini de Derneley, qua dat quædam ornamenta ecclesiæ Glasguen."

Though this instrument is described to be a charter, yet it appears to be rather in the form of a notorial instrument taken upon the grant made by Alan Stuart to the church of Glasgow. His seal, however, is appended to this deed, and is yet entire. It is thus described in the chartulary of Glasgow in the Scotch college at Paris:

"Huic cartæ appensum est sigillum integrum exhibens super scuto quadripartito.

"1 & 4. Tria Lillia Gallica.

"2 & 3. Tassium tessellatum duplari limbo Liliis contraposis confitum."

Hence it appears that Alan Stuart, soon after his father's death, quartered with his own arms those of France, agreeable to the privilege before mentioned, granted by Charles VII. in the year 1428, to Sir John Stuart of Derneley.

The ornaments given by Alan Stuart to the church of Glasgow, as appears from the charter, consisted of a cloak of red velvet (vestimentum de rubro velveto) and various other articles, under this condition, that he should have the use of these ornaments whenever he should have occasion for them; but that condition was to cease, either in the event of his death, or of his going to parts beyond the seas.

Upon the 19th of January 1433, the said Alan Stuart, under the designation of Dominus de Derneley, executed a deed by which he mortified to the Predicant Friars of Glasgow twenty shillings yearly out of the lands of Cathcart; and in the course of the deed he

he mentions his father the deceased Sir John Stuart of Derneley. This deed is in the possession of the University of Glasgow.

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It appears that soon thereafter the said Alan Stuart of Derneley did go to France, and that he was placed in the situation of Constable of the Scottish army in France, as his father Sir John Stuart of Derneley had been; for there is in the *Chambre des Comptes* at Paris, the *accompts* of Antoine Raguier, *Tresorier de Guerre* in the time of Charles VII.; in which there is an article of cash paid to Alan Stuart in the year 1435, in these words:

“ A Alain Stewart Seigneur de Dernlé, Connestable de l’armée
“ d’Ecosse pour semblable cause, six vingt trois royaux deux sous
“ six derniers Tournois.” Of this article there is an authenticated extract from the *Chambre des Comptes* at Paris.

Notwithstanding the various grants before-mentioned by Charles VII. of France to Sir John Stuart of Derneley, the first Seigneur of Aubigny and Comte d’Evreux, it would appear that his fortune, and that of his family, had been injured by their exertions in favor of the French nation and of Charles VII.; so much so, that the sons of Sir John Stuart were obliged at different times to obtain protections from the King of France against their creditors. Of this there is one instance in the year 1437, as appears by the following protection amongst the Derneley papers in the possession of the Duke of Montrose:

“ Protection, dated 4th August 1437, granted by Charles King
“ of France to Alan Stuart Lord of Derneley, and John Stuart
“ his brother, against their creditors, whether of the Scottish or
“ French nation, within the kingdom of France, for eight months
“ after their return from England.”

That Sir John Stuart of Derneley should have injured his fortune by his exertions in France during the last nine years of his life, will not appear extraordinary when it is considered that he

was

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was obliged to support a great rank in that country, and that he maintained at his own expence during so long a period, a large body of troops and officers from Scotland; which fact is repeatedly mentioned in the grants made to him by Charles VII. whose finances, during the period of his difficulties, did not enable him sufficiently to recompense or to indemnify Sir John Stuart for those heavy charges; for it was not till after Sir John Stuart's death that Charles attained the complete enjoyment of his kingdom, and of the finances belonging to it.

When Sir John Stuart and his brother went to France they were in possession of opulent fortunes in Scotland. They engaged with, and continued attached to Charles during the times of his greatest difficulties and distresses, and to the last hour of their lives. The sacrifices they made for the cause in which they were engaged, and their military exertions during many years in France, however they might add to their fame or to their honours, certainly were no advantage to their fortunes, or to those of their family.

In the year 1439 Alan Stuart of Derneley was treacherously slain near Linlithgow by Sir Thomas Boyd of Kilmarnock; in revenge whereof Alexander Stuart, the brother of Alan, afterwards slew Sir Thomas Boyd.

PROOFS concerning ALEXANDER STUART the second Son of Sir JOHN, and the Brother of Sir ALAN STUART of Derneley.

There are no charters or other documents in writing concerning this Alexander Stuart, who probably never was married, or at least left no male issue; but his existence is sufficiently ascertained by what the historians have related of his attachment to his brother
Sir

Sir Alan, and of his spirited conduct in the revenge of his murder by Sir Thomas Boyd: particularly Lindsay of Pitscottie, in his History of Scotland, p. 7, gives the following description of that event, and of the turbulent state of Scotland at that period:

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“ In this mean time, while the country was weltering to and fro in this manner, there was no other thing but theft, reiff, and slaughter in the south and west of Scotland; for Sir Thomas Boyd slew Alan Stuart Lord of Derneley, (who, ere he died, obtained the superiority of Lennox from the King,) at Powmathorn, three miles from Falkirk, for auld feud which was betwixt them, third year after the death of King James I. (who died in 1436). Which deed was soon requited thereafter, for *Alexander Stuart*, to revenge *his brother's slaughter*, manfully set upon Sir Thomas Boyd in plain battle, where the said Sir Thomas Boyd was cruelly slain with many valiant men on every side. It was faughten that day so manfully, that both the parties would retire and rest them diverse and fundry times, and recounter again at the found of the trumpet, while at the last the victory inclined to Alexander Stuart, as said is.”

PROOFS concerning JOHN STUART, the third Son of Sir JOHN STUART of Derneley.

In the Protection before-mentioned, dated 4th August 1437, granted by Charles VII. of France, John Stuart is mentioned and therein described brother to Alan Stuart, Lord of Derneley.

By the original grant of the lands of Aubigny, they were given to Sir John Stuart of Derneley, and to his heirs male in the direct line for ever. But in consequence of family arrangements made by the Stuarts of Derneley, with the approbation of the Sovereign

PART of France, the lands and estate of Aubigny went frequently to the
IV. younger or collateral branches of the Stewarts of Derneley, as the
Nº X. eldest branch seldom had it in their power to reside in France, on
 account of their large possessions in Scotland which required their
 presence there, as well as their allegiance to the Sovereign of that
 country.

Accordingly the lands and estate of Aubigny, and also the lands
 of Concreffault in France, instead of remaining with Alan, the
 eldest son of the first Sir John Stuart, went to John Stuart the third
 son. This John Stuart remained in France, where he was Che-
 valier of the order of St. Michel, and Capitain of the Cent Gens
 d'Armes Ecoſſois; as mentioned by Thaumaffiere in his History
 of the Province of Berry, p. 697, where he ſays :

“ Alain Stuart ſon fils (*i.e.* fils de Jean Stuart, Seigneur d'Aubigni)
 “ lui ſucceda en la Seigneurie d'Aubigni, et après avoir ſejourné
 “ quelque tems en France il retourna en Ecoſſe pour jouir des
 “ grands biens de ſa maiſon.”

“ Jean Stuart, ſecond du nom, frere d'Alain, demeura en France,
 “ et poſſeda les terres d'Aubigny et Concourſault; fut Chevalier de
 “ l'ordre de St. Michel, & Capitaine des Cent Gens d'Armes
 “ Ecoſſois. Il mourut l'an 1482, et ne laiſſa de Beatrix d'Apecher
 “ ſa femme, qu'un fils, Berrault Stuart, qui fut après lui Seigneur
 “ des memes terres.”

“ Beraud Stuart ſuivant les traces de ſes illuſtres ancêtres, rendit
 “ des grands ſervices aux Rois Louis XI. et Charles VIII. même
 “ en la conquête du royaume de Naples, dont il fut fait Viceroy
 “ et Connétable de Sicile et de Jeruſalem; il fut auſſi Gouverneur
 “ de Melun, Baillie de Berry, et Duc de Terre Nove. Mourut
 “ l'an 1508; et ne laiſſa qu'une fille d'Anne de Maumout ſon
 “ eſpouſe, qui fut mariée à Robert Stuart qui ſuit.”

There

There is in the Chambre des Comptes at Paris, volume nume-
roté 13, des Anciens Homages de la Chambre de France, fol. 4664,
the letter or warrant by Louis XI. of France to his Treasurers of
his Bailliage of Berry, dated 2d September 1461, making mention
that "Jehan Stewart, Chevalier, natif du pays d'Ecosse, had that
" day rendered the *foy* and *hommage-liege* which was due by him
" for the Terre and Seigneurie of *Concreffault*, and for the Terre,
" Justice, and Seigneurie of *Aubigny* sur Nerre: therefore ordering
" them to remove any obstacles to his possession of the said lands,
" whereof they are directed to give him full deliverance *sans aucune*
" *destourbier ou empeschement*."

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WE now return to Sir Alan Stuart the eldest son, and the de-
scendants from him.

Sir Alan married Katherine Seton, daughter of Sir William Seton
of Seton; and of that marriage there were at the time of Sir Alan's
death two sons,

1st, JOHN, the eldest, who was created Lord Derneley, and af-
terwards became Earl of Lennox.

2d, Alexander Stuart of Galstoun.

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ELEVENTH GENERATION.

Sir JOHN STUART, eldest Son of Sir **ALAN**, who was killed in the year 1439.

ALEXANDER STUART of Galstoun, second Son of Sir **ALAN**.

BERNARD STUART of Aubigny, only Son of **JOHN STUART** Brother of Sir **ALAN**.

N.B. As the above-mentioned **JOHN**, **ALEXANDER**, and **BERNARD STUARTS**, were all of them Grandsons of the first Sir **JOHN STUART** of Aubigny, they are here placed in the same Generation.

PROOFS concerning Sir **JOHN** the eldest Son of Sir **ALAN STUART** of Derneley.

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AMONGST the Derneley papers in the Duke of Montrose's possession there is an original indenture dated at Houstoun, 15th May 1438, between Alexander Montgomery, Knight, Lord of Ardrossan, on the one part, and Alan Stuart, Lord of Derneley, on the other part; by which it was agreed, that John Stuart, son of Alan, should marry Margaret Montgomery, eldest daughter of the said Lord Ardrossan. By that indenture Alan Stuart, Lord of Derneley, became bound to infeft the lady his daughter-in-law in forty merks worth of land, that is to say, the lands of *Dregairn* and *Drumley*; and in case he the said Alan should happen to recover the estate of Lennox, then he was to infeft her in as much as with the foresaid lands would make up an hundred merk lands of old extent.

Though this John Stuart succeeded to his father Sir Alan in the year 1439, yet there does not appear in the records any charter, retour, or infeftment in his favor till many years thereafter. This must be owing to the deficiency of the records at that period; for there is no record of retours or infeftments so far back; the record of charters at that period is very imperfect; and the original title deeds themselves have not been preserved.

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The first mention of this John Stuart in any deed upon the records in Scotland is in the year 1450, where there is a charter of confirmation dated 16th May 1450, Book iv. No. 23, granted by King James II. confirming a charter dated 13th May 1450, granted by John Stuart, Dominus de Derneley, by which he gave to his dearest brother Alexander Stuart, all and haill his lands of *Dregairn*; and the reason given for the donation is thus expressed: "Pro suis
"servitiis concilio et auxilio mihi sapius impensis et impendendis,
"tenend' et habend' prædicto Alexandro et hæredibus suis masculis
"de corpore suo legitime procreatis vel procreandis—Quibus deficien'
"mihi et hæredibus meis quibuscunque de me et hæredibus meis
"in feodo," &c. To be held blench of John Stuart the granter.

There is in the records, Book iv. No. 296. a short note of a charter of confirmation from the Crown, dated 27th June 1452, confirming a charter by John Stuart of Derneley to his brother Alexander, of the lands of Gallistoun in the shire of Air.

As it thus appears that John Stuart was at these periods granting charters of part of his estate, it implies that he had before that time made up his titles to these lands, though the title deeds do not now appear.

Upon the 17th of July 1460, being in the 23d of James II. that Sovereign, as Stewart of Scotland, granted a charter of the lands of Torboltoun in the shire of Air in favour of *John Stuart of Derneley, Knight*; to be held by him and the *heirs male of his body* lawfully procreated or to be procreated, whom failing, by the true nearest and

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lawful *heirs male whatsoever* of the said John, of and under the Stewart of Scotland at the time; and to be held as one entire and free barony, to be called the barony of Torboltoun, in fee and heretage, &c.; rendering therefore yearly suit and presence in the Court of the Sheriff of Air, and to the Stewart of Scotland for the time, the wards, reliefs, and marriages when they should happen.

The charter here referred to is amongst the Derneley papers in the possession of the Duke of Montrose, and it is also recorded in the Register of Crown Charters, Book . . . It proceeds upon the resignation of John Stuart of Derneley, in whose favor the charter was granted, which implies that before that time he had made up his titles to these lands holding of the Stewart of Scotland.

In a few weeks after the date of this charter of 17th July 1460, James II. the granter of it, was killed at the siege of Roxburgh, on 3d August 1460.

In the next year 1461, there is a charter by King James III. dated 20th July 1461, and in the first year of his reign, of the Mains of Torboltoun, and also of the lands of Drumley, *Dregairne*, and Ragathill, in the shire of Air, in favor of the said John Stuart of Derneley, wherein he is designed *John Lord Derneley*, and Margaret Montgomery his wife, and the longest liver of them, &c.; whence it appears probable that the object of this charter was to give the lands therein mentioned as a security in part for a jointure to Margaret Montgomery the wife of John Lord Derneley.

This charter of the year 1461 is amongst the papers of the Derneley family in the possession of the Duke of Montrose; and as in the charter of 17th July 1460, granted by James II. John Stuart was described "*John Stuart of Derneley, Knight*," while in the charter granted by James III. in 1461, he was described "*John Lord Derneley*;" this clearly proves, that in the interval between 17th July 1460, and 20th July 1461, he had been created a Lord of

of Parliament by the title of Lord Derneley, and most probably at the coronation of James III.

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George Crawford, in his History of the Stuart Family, p. 74, states, that John Stuart of Derneley was by King James II. created a Lord of Parliament with the title of Lord Derneley, in the year 1445; and that he afterwards obtained from James III. in the year 1481, the Earldom of Lennox, with the dignity. But there is reason to think, that in these dates Crawford was erroneous, and particularly with regard to the Lordship of Derneley; for the two charters above-mentioned, the one on 17th July 1460, where John Stuart was designed simply "*John Stuart of Derneley, Knight*," and the other on 20th July 1461, where his designation was altered to that of "*John Lord Derneley*," afford convincing proof that his creation as a Lord of Parliament must have happened in that interval.

In the Records of Scotland kept in the Register House at Edinburgh, there are the acts and proceedings of Parliament from the year 1424, in the nineteenth year of James I.; and in these there is no mention of Lord Derneley acting as a Peer of Parliament before the year 1460; but after that period he is frequently mentioned, particularly in the following instances:

In a parliament of James III. held at Edinburgh on the 20th of November 1469, the King present in Parliament, one of the Lords of Parliament mentioned immediately after the Clergy and the Earls is "*Dernele*;" after which the Knights and Burgeses are mentioned.

In the same year (1469), there were four Prelates, four Barons or Peers, and four Commoners appointed for hearing complaints; and under the title of Barons, the first Baron named is, "*The Lord Dernele*."

N.B. It is to be observed, that prior to 1469 there are few instances of the names of Peers and Commoners present in Parliament being inserted in the Books of Parliament;—if any roll of the names of the members present had been preserved,

it

it is probable that the name of Lord Dernlé would have been found before the year 1469.

In a Parliament of James III. 18th February 1471, under the title of "Lords," there is *Dernelé* immediately after Borthwick and before Lindsay.

In the Parliament, 20th November 1475, there is marked amongst the Earls present "Comes de Levenox *." But for several years thereafter there is no mention in the Rolls of Parliament of an Earl of Lennox; on the contrary, the name of Lord Derneley is inserted frequently in the Rolls of Parliament from 1475 to 1488.

In a Parliament of the same King, 1st July 1476, the first Lord mentioned in the list of Domini present is "*Dernlé*."

In a Parliament held the 1st of March 1478 at Edinburgh, under the title of "Domini Parliamenti," present, there are "Dominus Avendale, Cancellarius; Dominus de Erskyne;" then "*Dominus Derneley*;" after whose name there are mentioned eighteen other Lords of Parliament; and there is also a list of the members absent; and it is to be observed, that there is not any person under the description of Comes or Earl of Lennox inserted in the list of members either present or absent.

On the 6th of March 1478, the Parliament delegated their full authority, during a certain space, to certain persons of their own number, and *the Lord Derneley* is one of the persons named to whom these powers were delegated.

* The reason of his being described Earl of Lennox in the parliament held in the year 1475, has probably been this: John Lord Derneley, apprehending himself entitled to the peerage of Lennox, as well as to the principal part of the estate of Lennox, in consequence of his descent from Elizabeth the second daughter of Duncan Earl of Lennox, and in consequence of the eldest daughter Margaret having died in 1452, without leaving issue, had asserted his right to that peerage before the year 1475, and his claim had been so far listened to, that upon one occasion in that year he had been allowed to sit in parliament as Earl of Lennox; but upon better consideration he was not allowed to continue to make use of that title; and accordingly reverted to his designation of Lord Derneley, which he continued till the year 1488, in the time of King James IV. when either by creation or succession he became Earl of Lennox, which title afterwards continued with him and his successors.

In

In the Parliament 1481, April 11th, Lord Derneley is one of the Peers named in the federunt of the Lords of Parliament present; and he is also named in the meeting of Parliament on 13th April 1481.

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Dernelé is also named as one of the Lords present in the Parliament held at Edinburgh on 18th March 1481-2; and in that Parliament he was chosen one of the Lords of the Articles.

In the Parliament of James III. held in the year 1483, sentence of forfeiture passed on the 7th of July 1483, against Alexander Duke of Albany and James Liddale of Halkerstone. Then the Parliament was adjourned to the 7th of October then next, and the three States committed the power of the whole Parliament in certain matters to the Lords of Parliament therein named, one of whom was "*Dominus Dernelé*."

There is no mention of Derneley or Lennox as present in any of the Parliaments of the years 1484,-85,-86, or 87.

In a Parliament of James IV. in October 1488, John Earl of Lennox is mentioned as present on the second day of that Parliament, and classed with the Earls; this may be considered as the first time when John Lord Derneley was legally inserted in the Books of Parliament as Earl of Lennox, for though upon one occasion at a Parliament held 20th November 1475, there is marked as present Comes de Lennox; yet in the very next Parliament, 1st July 1476, he was again described under the title of Lord Derneley, and continued to be so described till the first Parliament of James IV. in October 1488.

The next mention of the Earl of Lennox as present in Parliament, is on 5th February 1505; this must have been Matthew Earl of Lennox, as his father John Earl of Lennox had died before that time.

From what has been above stated, it appears that the first peerage enjoyed by the Stuarts of Derneley was that of *Lord Derneley*; and that this Peerage enjoyed by them, was from the year 1461 to the
year

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N^o XI. year 1488, at least, before Lord Derneley became Earl of Lennox. And as the lands and estate belonging to the Derneley family, held by them under the Stewart of Scotland, had been granted to them by Robert the Stewart in the year 1361, as particularly mentioned in Part Second, under an express condition that they should belong to the heirs male of that family while any existed, there can be little doubt, though the original creation does not now appear, that the Peerage of Derneley must have been in favor of John Stuart of Derneley and *his heirs male*, in a destination similar to that by which the Derneley estate was granted to the family.

In the year 1466, the said John Stuart Lord Derneley set about making up his titles to certain lands in the barony of Avendale in the shire of Lanark, which had belonged to his grandfather Sir John Stuart of Derneley, who was killed in France in February 1429: to wit, the lands of Clumpton, comprehending, as parts of the barony of Avendale, the lands of Meickle-kype, Under Lynbank, Nether Lynbank, Brownside, Ryland, and Rylandfike. These lands had been in non-entry with the Superior for the space of thirty-seven years, since February 1429, as no person had, since the death of Sir John Stuart, made up his titles to them.

The first step therefore taken by John Lord Derneley in 1466, was to get himself served heir in special to his grandfather Sir John Stuart in these lands, wherein he had been the last entered vassal. This service took place in 1466; upon it he obtained a precept from the King's Chancellery, directed to Lord Avendale the Superior. He then applied to Lord Avendale for a warrant for infeftment of the lands held of him. Accordingly Lord Avendale issued his precept of sasine, dated 13th October 1466, for infefting John Lord Derneley in the lands before-mentioned, wherein his grandfather Sir John Stuart had died last infeft; but in order to secure the payment

ment of the non-entry duties, the precept of *fasine* contained the following clause:

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“ *Capien’ securitatem de 1480, mercis de firmis dictarum terrarum*
“ *de terminis 37 annorum elaps’ fasina earundem non recuperata*
“ *quæ firmæ extendunt annuatim ad 40 mercas et de quadringinta*
“ *mercis de relivio earund’ terrarum nobis debit.*” This space of thirty-seven years non-entry duties, due in 1466, agrees precisely with the time of the death of Sir John Stuart of Derneley the last entered vassal, who was killed in France in February 1429.

In consequence of the above precept of *fasine* John Lord Derneley was, upon the 18th of March 1466-7, infest in the above-mentioned lands*, as appears from the notorial instrument still extant in the Charter-room at Hamilton, amongst the papers relating to the barony of Avendale belonging to the Duke of Hamilton, which narrates the preceding steps; but at the time of obtaining from Lord Avendale the Superior, the warrant for infestment, or at the time of the actual infestment, Lord Derneley must either have paid or given security for the above sum of 1480 merks, as the amount of the non-entry duties since February 1429, to the date of Lord Avendale’s warrant for infestment in October 1466, which was precisely thirty-seven years.

John Lord Derneley having in the years 1466 and 1467 completed his titles in the manner above-mentioned, to the lands in the barony of Avendale which had belonged to his grandfather Sir John Stuart of Derneley, held by him of and under the Lord of Avendale; he proceeded in the year 1468 to make up his titles in a similar manner to the Forty Merk Lands of *Castelmilk*, and the Ten Merk

* The witnesses to the infestment in favor of John Lord Derneley on 18th March 1467, were Joannes de Rofs de Hawkhead, Miles, Alexander Stuart de Galstoun, Robert Stuart de Miltonside, Johannes Rofs de Mortgronan, Adam Mure de Caldwell, Constantius de Dunlop, Armigeri.

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Lands of Brummel, lying in the lordship of Annandale, which had belonged to the said Sir John Stuart of Derneley, grandfather of John Lord Derneley, held by the said Sir John of and under the Lords of Annandale as his immediate Superiors thereof.

It has already been mentioned in Part Third, that amongst the Derneley papers in the possession of the Duke of Montrose, there has been found an original paper dated 24th October 1470, executed by Alexander Duke of Albany under the title and description of Lord of Annandale, by which he “ grants to his beloved cousin
“ John Lord Derneley, 1950 merks to be uplifted out of the Twa-
“ part of the lands of Castelmyle, (which, in other deeds is de-
“ scribed the Forty Merk Lands of Castelmyle,) and in the lands
“ of Brummell (described in other deeds a Ten Merk Land) lying
“ within the lordship of Annandale, and being in his hands as
“ Lord of Annandale all the time of thirty-nine years bygone since
“ the decease of Sir John Stuart Derneley, in default of entry of
“ the said Sir John’s heirs.”

This authentic original deed, granted by the Duke of Albany as Lord of Annandale, amounts to an express declaration and proof that these lands of Castelmyle and Brummel had belonged to Sir John Stuart of Derneley, held by him immediately of and under the Lords of Annandale, and that he was the last vassal in these lands who had made up his titles to them in the proper feudal manner by investiture from the Superior; in consequence of which neglect of his successors the lands had been in non-entry, and in the hands of the Lords of Annandale as the Superiors, for the space of thirty-nine years bygone since the decease, in February 1429, of Sir John Stuart of Derneley the last entered vassal.

The non-entry duties of the lands of Castelmyle and Brummel, lying on the borders between England and Scotland, were regulated
by

by the old extent of these lands*, to wit, forty merks yearly for the Forty Merk or Twa-part of the lands of Castelmilk, and ten merks yearly for the Ten Merk Lands of Brummell, making together fifty merks yearly; which for thirty-nine years amounted precisely to 1950 merks, the sum specified in the Duke of Albany's grant to John Stuart Lord Derneley.

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The non-entry duties due to the Superior are calculated at the time the Superior's giving warrant for the infeftment to be taken by the vassal who claims to be received as heir of the vassal last infeft; and the general practice is, that the vassal who is to receive the new infeftment pays or gives security for the non-entry duties at the time of receiving the Superior's warrant for the infeftment. It must therefore have been in the year 1468 that John Lord Derneley received from the Lord of Annandale the precept of sasine for his taking infeftment in the lands of Castelmilk and Brummell; for Sir John Stuart of Derneley the first Lord of Aubigny died in February 1428-9, and it appearing by the Duke of Albany's deed above-mentioned, that the lands had remained thirty-nine years in non-entry, that brings it to the year 1468, when they ceased to be in non-entry; which could only be from the heir of Sir John Stuart having at that time made up his titles to these lands by warrant from the Superior.

* In calculating the annual value and amount of non-entry duties, the general rule observed was, that the valuation of the lands known by the description of the New Extent was considered to be the real annual value of them. But from this there was an exception in the case of lands on the borders; where the non-entry duties were estimated, not according to the new extent, but according to the old extent only, which was generally but a third or fourth part of the new extent. This exception in the case of lands on the borders, and the reason of it, is stated in Craig de Feudis, lib. ii. dieg. 17. § 37. p. 361. where, speaking of non-entry duties, he states, that in general they are regulated by the new extent; but adds: "Apud limitarios
" novi extentus ratus vix habetur nec in iis nisi antiquis requiritur quia eorum arva
" ab hostibus plerumque infestantur neque solidos fructus capere ideo presuntur
" interdum omnino excluduntur."

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That warrant, according to the usual form, would contain a clause directing security to be taken for the bygone non-entry duties. Of this an example has been given in what happened when the same John Lord Derneley made up his titles to the lands in the barony of Avendale held of the Lord of Avendale as Superior, when the warrant for infeftment granted by that Superior contained the clause before recited for taking security for 1480 merks as the amount of the non-entry duties for these lands in Avendale barony for the space of thirty-seven years. Therefore when John Lord Derneley obtained, in the year 1468, the Lord of Annandale's warrant for taking infeftment in the lands of Castelmilk and Brummel, he must have granted his obligation or security for paying the bygone non-entry duties for these lands for thirty-nine years, amounting to 1950 merks; and it must have been for the purpose of relieving him from that obligation, that the Duke of Albany, as Lord of Annandale and Superior of the lands of Castelmilk, gave to Lord Derneley the above grant in October 1470, of the non-entry duties.

By the terms of the said deed by the Duke of Albany as Lord of Annandale, he grants to John Lord Derneley the said sum of 1950 merks to be *uplifted* out of the lands of Castelmilk and Brummel. This was applicable to the state of the superiority and vassalage of these lands at that time; for though John Lord Derneley held the lands of Castelmilk and Brummel immediately of and under the Lords of Annandale; yet he had not the beneficial interest in these lands at that time, for the property of them belonged to the Stuarts of Castelmilk, the heirs of Sir William Stuart of Castelmilk, who held them immediately of and under the elder branch of the family, the Stuarts of Derneley, who were the intermediate Superiors between them and the Lords of Annandale. The Stuarts of Castelmilk, the proprietors, could not get their titles to these lands made up since the death of Sir John Stuart of Derneley, who died in 1429, as his heirs, who were the immediate Superiors to the Stuarts of Castelmilk,

had not made up their own titles; therefore the non-entry duties incurred must ultimately have been due by the Stuarts of Castelmilk, the proprietors of the lands; and it was for this reason probably, that the deed granted by the Duke of Albany in 1470, instead of being in the form of a discharge to Lord Derneley for the 1950 merks of non-entry duties incurred, was in the shape of a grant entitling him to *uplift* these non-entry duties out of the lands of Castelmilk and Brummel, for his own relief.

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As it thus appears that Lord Derneley had made up his titles to the lands of Castelmilk and Brummel about the year 1468, there is reason to believe that Matthew Stuart of Castelmilk, the proprietor of these lands, (the son of the first Sir William Stuart of Castelmilk,) who, upon the death of his elder brother Archibald Stuart, succeeded to the property of the lands of Castelmilk and Brummel at that very period, or at latest in the year 1470, did at that time apply to and obtain from John Lord Derneley, his immediate Superior, the charter or other deed necessary for making up his titles to the property of the lands of Castelmilk and Brummel; and it was probably for the purpose of enabling Lord Derneley to grant the proper feudal titles to his cousin Matthew Stuart, that he applied to the Duke of Albany for receiving himself as vassal to the Lord of Annandale in these lands; though little benefit could arise to the Derneley family from that intermediate superiority, other than the dependence of the younger upon the elder branch of the family*.

It

* In confirmation of what has been above stated, there are proofs that, besides the near degree of relationship in which Matthew Stuart stood to John Stuart Lord Derneley, there was much intimacy and intercourse between them; and there are also proofs that it was precisely in the period between 1468 and 1470 that Matthew Stuart, whose first designation was that of Cassiltoun, succeeded to the estates of Castelmilk and Fynnart, after which time he was promiscuously designed of Castelmilk and of Fynnart.

There

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It was agreeable to the practice of those times, and to that of the Derneley family in particular, to retain to the elder branch of the family the superiority of the lands whereof the property had been given to the younger branches of the family: and as the tenure by which they were held was generally that of ward-holding, they esteemed it of some value that they had thus a power of requiring their military services when necessary.

It has been clearly shewn that Sir John Stuart of Derneley, who died in the year 1429, had made up his titles both to the lands which

Charter of
confirmation
under the
Great Seal, lib.
vi. No. 52.

There is a charter dated 6th June 1464, by John Stuart Lord Derneley, in favor of Thomas Stuart of Albany, of the lands of Balderran in Stirlingshire; to which charter Matthew Stuart of Cassiltoun is a witness, along with Andrew Stuart Lord Avendale, Chancellor of Scotland, Murdock Stuart, Miles, and John Maxwell of Nether Pollock, &c.

Matthew Stuart was also designed of Cassiltoun in a judicial ratification by Isabella Norvell, Lady of Cardonald, on 24th November 1466; and in an instrument of resignation dated 14th July 1468, by Lady Katherine Seton, Lady of Derneley and of Maxwell, to which instrument James Lord Hamilton and Matthew Stuart of Cassiltoun were witnesses.

But soon after that period he ceased to be designed of Cassiltoun, and took the designations of Castelmilk and Fynnart, sometimes making use of the one, and sometimes of the other. Thus in a charter dated 3d May 1470, granted by John Lord Derneley to James Campbell of Brackenrig, of the lands of Brownside in the barony of Avendale, the witnesses are Matthew Stuart, of Fynnart, George Maxwell of Carnsallock, Alexander Stuart of Galstoun, and John Stuart Provost of Glasgow: all these witnesses were near relations of John Stuart Lord Derneley.

Matthew Stuart, designed of *the Fynnart*, is also witness to a precept of sasine dated 3d May 1470, granted by John Lord Derneley, directed to his friends, Alexander Stuart of the Galstoun, and John Hamilton of the Hainshaw. And Matthew Stuart is also witness to a discharge dated 3d May 1470, by John Lord Derneley, relating to the lands of Brownside, where he is designed Matthew Stuart of *Fynnart*.

In an instrument of sasine dated 23d April 1473, in favor of Patrick Murray, of certain lands in Annandale, one of the witnesses was William Stuart, the eldest son of the said Matthew Stuart; and the witness is thus described: "William Stuart son and apparent heir to Matthew Stuart of *Castelmilk*."

Obligation dated 8th June 1473, by the Predicant Friars at Glasgow, relative to a donation of ten merks yearly made to that convent by "Matthew Stuart Laird of *Castelmilk*."

belonged

belonged to him in the barony of Avendale, and to the lands of Castelmilk and Brummel which belonged to him in the lordship of Annandale; and that in consequence thereof, his grandson John Lord Derneley, in establishing his right to these lands, connected his titles with those of Sir John Stuart his grandfather, who had been the last vassal received by the Superiors of these respective lands. And it will appear in the sequel, that the successors of John Lord Derneley, knowing that he had completed his titles to the lands of Castelmilk and others above-mentioned, connected their titles to these lands as heirs to him therein. But as many of the original and ancient papers of the Derneley family have from the injury of time been lost or mislaid; and as the records of the old lordship of Annandale, and likewise the records or chartularies of the barony of Avendale, do not now exist, or at least have not been discovered; so it is difficult now to ascertain in what manner Sir John Stuart of Derneley (the grandfather of John Lord Derneley) acquired right to the lands which certainly belonged to him in the barony of Avendale, or to the lands of Castelmilk and Brummel, which with equal certainty belonged to him in the lordship of Annandale; whether they were acquired by himself, or whether he inherited them from some of his ancestors.

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With regard to the lands and estates held by the Derneley family immediately of and under the Crown, or of and under the Prince and Stewart of Scotland, John Lord Derneley appears to have made up his titles to these several lands and estates, though there is some degree of uncertainty as to the periods at which the titles to these were first established in his favor.

Upon the 21st of June 1473, King James III. by a deed of promise under his private seal, and subscribed by him of that date, declared, that John Lord Derneley had resigned in his Majesty's hands his lands of the lordship of Derneley, Inchennan, lying in the

PART the sheriffdom of Renfrew; Torbolton, Dregairn, and Galstoun,
IV. lying in the sheriffdom of Air; and the lands of Bathcalt, lying in
No XI. the sheriffdom of Edinburgh; to remain in his Majesty's hands
 until the said John Lord Derneley his entry to his part of the lands
 of the earldom of Lennox, and thereafter until he shall have infeft
 and given to his Majesty's well-beloved cousin and Chancellor
 Andrew Lord Avendale, the said lands of the earldom of Lennox
 in life-rent, as freely and in such form as the said Chancellor had the
 same lands of his Majesty before; and also until William Edmon-
 stone of Duntreath be made secure by the said John Lord Derneley
 for his part of the said lands of Duntreath, and others lying in the
 said earldom of Lennox, which he, William Edmonstone, has by
 infeftment and gift heretably of before. And it is declared, that
 upon the Lord Avendale and William of Edmonstone being made
 secure and content with respect to the premises, that immediately
 thereafter his Majesty should give again to the said John Lord
 Derneley, all his said lands of Derneley, Inchennan, Torbolton,
 Dregairne, Galstoun, and Bathcate, and infeft him heretably therein
 as fully as he held them of before, without cost or expence, or any
 impediment.

Upon the 4th of December 1475, letters were granted by his Ma-
 jesty, appointing John Lord Derneley (therein designed Earl of
 Lennox) his Majesty's Lieutenant within the bounds of the shires
 of Renfrew, Air, Wygtoun, and the West Ward of Clydesdale.
 Public Records, Book vii. No. 353.

Here it may be proper to give a general view of the steps taken by
 John Lord Derneley for asserting his right to the estate and honours
 of the old Earls of Levenax, or at least to a certain portion thereof,
 in right of succession from his grandmother Lady Elizabeth Levenax,
 who was daughter of Duncan Earl of Levenax and wife of Sir John
 Stuart of Derneley, grandfather of John Lord Derneley.

Duncan

Duncan Earl of Lennox had three daughters, Isabel, Elizabeth, and Margaret. The eldest of these daughters, Isabel Levenox, married, in the year 1391, Murdoch Duke of Albany, eldest son of Robert Duke of Albany, Governor of Scotland; after whose death, in 1425, she enjoyed the Levenox estate till 1452, when she died, without leaving any surviving issue.

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For some years after 1452, according to Sir Robert Douglas in his Peerage, p. 398, the earldom of Lennox fell into the King's hands, as the next heirs did not for some time prosecute their titles.

But in the year 1460 John Lord Derneley took instruments on his requiring Andrew Stuart Lord Avendale, Chancellor of Scotland, to issue briefes, "ad inquirendum de quibus terris et annuis redditibus cum pertinen' quondam Duncanus Comes de Lennox, pater Elizabethæ de Lennox, avocæ dict' Joannis obiit ultimo vestit et fasit infra dict' vicecomitatum, et si ipse Joannes Stuart esset unus de legitimis hæredibus dicti quondam Duncani." The instrument is dated 16th December 1460; and the procurator for John Lord Derneley upon this occasion was his brother Alexander Stuart.

Upon the 12th of October 1463, John Lord Derneley took an instrument, upon his exhibiting a petition to the King and Parliament, to be infeft in the half of the estate of Lennox.

Upon the 23d of July 1473, John Lord Derneley was actually served heir to Duncan Earl of Lennox, his great-grandfather, (as being lawfully descended from Elizabeth the daughter of the Earl,) in half of the earldom of Lennox, and in the principal messuage of the earldom, which had been in the King's hands for the space of forty-eight years by the death of Earl Duncan. And on the 27th of July 1473, John Lord Derneley was infeft in the premises upon a precept from the Chancery following on the said service; at taking which infeftment, Alexander Stuart, brother to Lord Derneley, was attorney for him.

Upon the 2d of October 1473, there was a precept issued by King James III. charging the tenants and inhabitants of the earldom

PART of Lennox, to answer, attend, and obey John Earl of Lennox, Lord
IV. Derneley. Of which precept a transumpt was taken, as appears by
Nº XI. the instrument of transumpt dated 14th October 1473.

The competition for the lands and estate of the earldom of Lennox, in which the competitors were, John Lord Derneley, as descended from Elizabeth the second daughter, and the descendant from Margaret the third daughter of Duncan Earl of Lennox, lasted for many years, and seems not to have been completely settled till about the year 1493; for there is a commission dated 8th July 1493, by John Lord Derneley, therein designed Earl of Lennox, to Matthew Stuart his well-beloved son and apparent heir, and to John Stuart of Henrieston, also his son, to go to the Kirk of Drymen on the 9th of July then instant, and to commune and agree with John Haldane of Gleneagles anent the avail of the earldom of Lennox.

That commission seems to have been granted for the purpose of carrying into execution the terms of an arrangement made between John Earl of Lennox and John Haldane of Gleneagles, for there was an indenture of agreement signed between these parties in July 1493.

And there was also an indenture of agreement executed on the 16th of May 1490, between John Earl of Lennox and his son Matthew on the one part, and Elizabeth Monteith and her son on the other part. These several agreements appear to have put an end to the contestation; and as John Lord Derneley, in these indentures with his competitors, takes the title of Earl of Lennox, it is clear that the question about the peerage of Lennox must have been settled and acknowledged before the year 1490; the first traces of John Lord Derneley having been formally acknowledged as Earl of Lennox, appears to have been in the first year of the reign of James IV. to wit, in the year 1488.

With regard to the title of Earl of Lennox, Duncan Stewart, p. 153 of his book, says, that John Lord Derneley designed himself Earl of Lennox in 1483, in right of his grandmother, daughter to Duncan
 Earl

Earl of Lennox; which title he gave up, and was afterwards created Earl of Lennox by King James IV. anno 1488 *.

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The patent, or charter creating John Stuart, Lord Derneley, Earl of Lennox, has not been discovered, therefore nothing positive can be asserted with regard to the terms of it, or the destination of that title.

Amongst the acts of Parliament of King James III. there is an act passed in the Parliament begun at Edinburgh the 2d of April 1481, in which there is this article: "Item, Our Sovereign Lord has ordained that the Lord Derneley be Warden in the West Borders; and commands and charges that all his lieges answer and obey him and his lieutenants in the said office in time to come."

In the times of the confusions which took place during the troubled reign of James III. when the greatest part of the nobles rebelled against him, and when they conveyed him from Lauder to the Castle of Edinburgh as a prisoner, John Lord Derneley is mentioned by Lesley as one of those confederated Lords who seized the King at Lauder in 1482, as well as Lord Avendale the Chancellor, and the Lord Lyle, with whom Derneley appears to have been much connected.

On the other hand, Duncan Stewart, in his History of the Stewarts, p. 153, says, that when the civil war broke out in King James the

* Crawford, in his History of the Stuarts, p. 74, says, that Sir John Stuart of Derneley, standing high in favor with King James II. was by that monarch created a Lord of Parliament, with the title of Lord Derneley, in the year 1445; and that he obtained the earldom of Lennox, with the dignity, about the year 1481; that this John Earl of Lennox died anno 1491. It is clear that in all these particulars Crawford is inaccurate; for it has been already shewn that John Stuart of Derneley was not Lord Derneley before the year 1461; that he sat and acted in the Scottish Parliament, not as Earl of Lennox, but as Lord Derneley, till after the year 1481; and that he was alive in the year 1493: it appears also that he did not attain undisputed enjoyment of the title of Earl of Lennox before the year 1488.

PART Third's time, John Lord Derneley joined the King against the rebels
IV. and the Prince.
Nº XI.

The transactions of those times are involved in great obscurity from the want of contemporary authors, or of the proper authentic materials for history, so much so, that it is very difficult to ascertain the truth of facts, or to trace with certainty the actors in the different events.

It is certain that John Lord Derneley was one of the Peers who attended the King during his confinement in the Castle of Edinburgh. This is proved by a deed still extant, executed by James III. on the 19th of October 1482; the terms of which imply that his Majesty had great confidence in John Lord Derneley. It declares it was at the King's particular prayer and command that John Lord Derneley, and certain persons attached to him, remained with his Majesty in the Castle of Edinburgh, to wait upon his person night and day, and to preserve him from certain Lords and persons who were there about him, and who, as the King suspected "would have slain and undone him." Therefore the King, by the said deed, ordered a letter to be passed under the Great Seal, reciting these facts, and declaring John Lord Derneley and his serviteurs and familiars who were with him in the said Castle, all of whom, to the number of sixty-six, are therein named, are to be free of all actions of crime of the King's hurt, majesty, or accusation, that may be imputed to him or them in any ways for the causes aforesaid, or occasion thereof. And declares the said John Lord Derneley and the persons therein named his true lieges, &c.

This original deed, which seems to have been unknown to all the historians of the events in those times, is amongst the Derneley papers in the Duke of Montrose's possession, with the King's subscription to it; and will be found in the Appendix.

Whether the above declaration contained the King's genuine sentiments with regard to John Lord Derneley, or whether it was

meant to be of the nature of a pardon to him, the author will not pretend to decide.

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King James III. lived several years after the date of the above deed in 1482, having lived till the 11th of June 1488; when he was basely murdered at a miln near Bannockburn, in his retreat after the battle that day fought between his troops and those of the confederate Lords who had risen in rebellion against their Sovereign.

During all that space, from 1482 to 11th June 1488, there were no indications of the King's having entertained sentiments with regard to John Lord Derneley different from those expressed in the above-mentioned deed executed by him in the year 1482; and this is the more remarkable, as it appears that the King did entertain sentiments of resentment against some of the Lords who had advised his being confined in the Castle of Edinburgh as a prisoner. It is particularly mentioned by Lindsay, p. 82, that the King, after his being liberated from confinement, put certain Lords in the Castle of Edinburgh in ward, who were the counsellors of the most part of his in-putting, which were in number sixteen, to wit, the Earl Bothwell, Lord Hume, Lord Avendale, Chancellor for the time, Lord Gray, Lord Drummond, the Lord of Eglintoun, Lord Fleming, Lord Seton, Lord Maxwell, with fundry other great Barons. In that list there is no mention of the Lord Derneley; which favors the opinion that the deed before-mentioned contained the genuine sentiments of that monarch with respect to him.

It is alleged that John Lord Derneley and his son Matthew must have been hostile to James III. because Matthew, Master of Derneley, was in a safe-conduct granted by the King of England, dated 5th May 1488, united with the Bishops of Glasgow and Dunkeld, the Lord Lyle, the Earl of Argyll, the Lord Hailes, and others, who were known to be hostile to James, and were proceeding to England to treat about matters relating to Scotland.

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It appears that in the first Parliament of James IV. in the year 1488, John Earl of Lennox was present on the second day of its sitting, and that Lord Lyle was then Justice General; that Parliament, it is believed, was not attended by those who had supported the cause of the deceased Sovereign James III., it was attended only by those who had espoused the cause of the Prince and of the confederated Lords.

Besides these proofs of his connection with the Prince's party, there were several instances of favor shewn to Lennox and his son Matthew in the early part of the reign of James IV., from all which it must be confessed, there is too much reason to conclude that John Lord Derneley, Earl of Lennox, was in confidence with the party which deposed James III. and availed himself of the circumstances of the times to establish his title to the earldom of Lennox, which had been withheld from him since the death of Isabel Countess of Lennox in 1452.

Upon the 10th of October 1488, the custody of the Castle of Dumbarton was, by a Royal Commission from James IV., committed to John Lord Derneley, therein designed Earl of Lennox, and to his son Matthew, afterwards Earl of Lennox. Public Records, Book xii. No. 61.

By the eighth act of the Parliament 1489, the Earl of Lennox, the Lord Lyle, and Matthew Stuart, are commissioned to maintain peace in Renfrew, Bothwell, Glasgow, Kilbride, and Avendale.

In the course of the year 1489, the Earl of Lennox and his son Matthew, and Robert Lord Lyle, appear to have been engaged in an insurrection against the existing government: the circumstances and causes of which are involved in great obscurity. The most probable account of it given by the historians, and particularly by Mr. Pinkerton, the latest author on the subject of the transactions of those times, vol. ii. p. 8., is, that many of the nobles still nourished the memory of their loyalty to James III., and were much dissatisfied with

with the measures pursued by those Lords who took the lead of affairs after his death; that these discontented Nobles affected to regard the King as a captive in the hands of his father's murderers; that Alexander Lord Forbes displayed in Aberdeen and other northern towns, the bloody shirt of his murdered Sovereign suspended from a spear, and loudly summoned all good subjects to revenge. The flame began to spread to a great extent; the discontented Nobles, among whom were some who had engaged in the Prince's cause, but had now reasons of enmity against his counsellors, having fixed and communicated their designs, the Earl of Lennox led a considerable force towards the north to join their standard. Finding it impracticable to march by the bridge of Stirling, he turned to the west, intending to pass the Forth by a ford, and encamped at a spot called Tilly Moss, where he was unexpectedly attacked by Lord Drummond, who, by means of a deserter from Lennox, had got intelligence of his motions, and having advanced, hastily attacked, in the night, the troops under Lennox, who, having taken no proper precautions for their security, were speedily defeated and dispersed.

This insurrection is supposed to have happened in the summer of the year 1489. In the same year, and probably connected with the same insurrection, or as a consequence of it, Matthew Stuart, the heir of the Earl of Lennox, and Robert Lord Lyle, defended Dumbarton Castle against the existing government.

It was probably for these transgressions that in the month of June 1489, a sentence of forfeiture was passed in the Parliament of Scotland, against John Earl of Lennox and his son Matthew, and against Robert Lord Lyle; but the act of forfeiture itself is not now to be found in the Records of Parliament; for it was, upon the 5th of February 1489-90, rescinded and annulled by the King and Parliament; and in consequence thereof, his Majesty, upon the 6th of that month, issued a precept directed to the clerk register, ordering

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ordering him to take furth of the books of Parliament the said process of forfeiture, and to deliver the same to the said John Earl of Lennox and to Robert Lord Lyle, and to destroy the said process in such way that it be never seen in time to come.

The above-mentioned order from the King to the clerk register is in the books of Parliament under the following title: "Præceptum Regis pro extractione processus Comitis de Levenox, Roberti Domini Lile, et Matthei Stuart."

There is also in the Books of Parliament at the Register House in Scotland, the act dated 5th February 1489-90, by the King and Parliament, cassing and annulling the said forfeiture; which act proceeds upon a recital, that it had been found by sentiment of Parliament, that the process of forfaulture led *in the last Parliament* against John Earl of Lennox, Robert Lord Lyle, and Matthew Stuart, was not lawfully led nor deduced to be just and goodly, according to the common law and consuetude of other processes of forfaulture led of before. "Therefore his Majesty, with avise, counsale, and degeft mynd and deliverance of our said Parliament, cassis and annullis, by his owne proper mouth, the said sentence and doom of forfeiture given and pronounced by the mouth of John Dempster, against the said John, Robert, and Matthew, with all things following thereupon."

This act bears to be signed by his Majesty, sitting in judgment in his Parliament at Edinburgh, the 5th day of the month of February, the year of God 1489 years, which in modern style was 1490; consequently it was in the preceding year 1489, that the said process of forfaulture had been carried on and passed against the parties. The docket of this act is in these words: "In quorum omnium singulorum fidem et testimonium premisorum magnum sigillum dicti Domini nostri Regis, & sigilla Reverendorum et Venerabilium Fratrum Episcoporum, Abbatum, Priorum,

“ Priorum, una cum sigillis Ducum, Comitum, Dominorum Baronum,
 “ libere tenentium & burgorum commissariorum presentibus
 “ apponi ordinatum extitit.”

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In another parliament held by James IV. commencing on the 15th day of February 1489 (1490), there is an act, chapter 92, intitled “ The Remit of them that was in Dumbarton with the Lord Lyle.” The words of the act are: “ Item, It is statute and ordainit be our
 “ souverane lord in this present Parliament, that all persounes com-
 “ monis on the south side of the watter of Forth, that tuke part with
 “ Robert Lord Lyle and Matthew Stuart in the halding of the castell
 “ of Dounbartane againe our souveraine lord, and all convocation
 “ maid thairupon agane our souverane lord, be fre remittit be the
 “ wryting of this act, and statute for that action allenarlie. Sa that
 “ they need not to rase nane uther feillis. And gif it happinis any
 “ of the said persouns to be indicted for the said cause, that they
 “ fall find fourtie to make satisfacioun to the parties complainzeand,
 “ as effeiris of law,” &c.

Amongst the Derneley papers in the possession of the Duke of Montrose at Buchanan, there is a pardon or remission, dated at Edinburgh, 12th February 1489, (in modern style 1490,) by which King James IV. with advice of the three States of the kingdom in full Parliament assembled, granted a pardon and remission under the Great Seal “ Pro arte et parte proditorie suffulcionis et detentionis
 “ castri nostri de Dumbartane contra nostram Regiam majestatem;
 “ et pro arte et parte proditorii incendii villæ de Dumbartone, et pro
 “ omnibus aliis proditoriis traditionibus rebellionibus,” &c.

The persons first named in the said pardon and remission are:

“ Mattheus Stuart, filius et heres apparens Joannis Comitis de
 “ Levenox, Domini de Derneley.

“ Alexander Stuart, Robertus Stuart, fratres dicti Matthei.” Then follow a great many other names, and amongst those of the name of Stuart there are:

c c

“ Joannes

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“ Joannes Stuart, filius Comitis de Levenox.

“ Willielmus Stuart de Castelmilk *.

“ Alexander Stuart, filius suus.

“ Joannes Stuart, filius suus.

“ Mattheus Stuart, Joannes Stuart, filii fratris dicti Willielmi.”

The evidence above stated leaves no room to doubt that the Earl of Lennox and his family, assisted by his relations and vassals, the Stuarts of Castelmilk and others, had been guilty of treason against James IV. by holding out the castle of Dumbarton against his Majesty, and burning the town of Dumbarton, &c.; but it is singular that no account of what thus happened at Dumbarton, nor the motives or consequences of it, is to be found in any history of those times; at least all the researches made by the author have not been able to discover any history, manuscript, or book giving an account of these transactions at Dumbarton in which the Stuarts of Derneley and of Castelmilk were concerned, and which had made it so neces-

* From the pardon above mentioned, granted by James the IVth in February 1490, it appears, that John Earl of Lennox himself had not been personally present at holding out the castle of Dumbarton, &c. against his Majesty, but that his eldest son Matthew, and other three of his sons, Robert, Alexander, and John, had all been engaged in it. Robert the second son was the same person who afterwards succeeded to the lordship of Aubigny in France, and who, after distinguishing himself in many military enterprises, was promoted to the high rank of a Maréchal of France, at a time when there were only four Maréchals of that kingdom.

It is remarkable that in what thus happened at Dumbarton, which was considered as a species of rebellion against his Majesty's authority, there were no less than five of the Stuarts of Castelmilk who had embarked in it with their cousins the Stuarts of Derneley, and who therefore stood in need of the royal pardon as much as they did. This is an additional proof of the relationship and strong connexion between these two families of Derneley and Castelmilk; and also may be considered as a confirmation of what has already been stated concerning the lands of Castelmilk being held by the Stuarts of Castelmilk immediately off and under the Stuarts of Derneley, and by the tenure of wardholding; for by that tenure the vassal was bound to follow his superior or overlord in his military enterprises.

fary for them to obtain a pardon from his Majesty, with consent of the States of the kingdom.

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In the same year in which the above pardon was granted, to wit, in the year 1490, it appears that John Earl of Lennox, so designed, obtained from King James IV. a charter dated the 1st of June 1490, proceeding upon the Earl's own resignation, in favor of his eldest son Matthew and his heirs, of the earldom of Lennox, lordship of Derneley called Cruickinfee, and lands of Galstoun, reserving to the Earl his life-rent of the whole lands, and to Margaret Montgomery his spouse, her life-rent of the third part thereof. The original charter is amongst the Derneley papers in the Duke of Montrose's possession, and it is also upon record.

In 1499, Matthew Earl of Lennox got a charter of confirmation of the above charter, which had been granted during the King's minority.

The precise date of the death of John Earl of Lennox has not as yet been ascertained; but it must have been subsequent to the 8th of July 1493, when he granted the before-mentioned commission to Matthew Stuart his son and apparent heir, and to John Stuart of Henrieston, also his son, to go to the Kirk of Drymen to commune and agree with John Haldane of Gleneagles concerning the avail of the earldom of Lennox; and it must have been before the 11th of September 1495, for on that date there is an investment in favor of Matthew Earl of Lennox (so designed) and Elizabeth Hamilton his spouse, in joint fee and life-rent, in the mains of Derneley, the lands of Craig of Nielston, Hasleshouses, and Greenbills, to which saine one of the witnesses is "nobilis et egregius vir Magister Alexander Stewart Germanus dicti Domini Matthæi."

Duncan Stewart in his History of the Stewarts, p. 153, says that John Earl of Lennox died in 1494, and that the issue he left by his wife Margaret Montgomery, were four sons and five daughters, viz.

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1. Matthew, his successor.
2. Robert Lord d'Aubigny.
3. William, Captain of the Scotch Gens d'Armes in France.
4. John Stuart of Glanderston.

That the daughters were,

1. Elizabeth, married to Archibald Earl of Argyll.
2. Marion, married to Robert Lord Crichton of Sanquhar, ancestor of the Earl of Dumfries.
3., married to Sir Murray of Tullibardin, ancestor of the Duke of Athol.
4. Janet, married to Ninian Lord Ros.
5., married to Sir John Colquhoun of Lufs.

The account thus given by Duncan Stewart concerning the sons of John Earl of Lennox, is right so far as it goes; but there is good evidence of his having had two other sons, Alexander and Alan, for Alexander is in the said infeftment of the 11th of September 1495, described brother of Matthew Earl of Lennox; and Alan Stuart who married Marion Stuart, daughter of William Stuart of Castelmilk, is described son of John Earl of Lennox in a charter dated the 26th of July 1496, by Isabella Norval, Lady of Cardonald and Drumbean, with consent of Alexander Stuart of Castelmilk her son and apparent heir, of the lands of Cardonald in Renfrewshire; which original charter, in the possession of Lord Blantyre, is confirmed by the crown on the 1st of April 1499. Records, Book 13. Nº 616.

PROOFS concerning ALEXANDER STUART of Galstoun,
second Son of Sir ALAN STUART of Derneley.

That Sir Alan Stuart of Derneley had a younger son of the name of Alexander, is proved by the papers already mentioned; particularly by the instrument in 1460, taken by John Lord Derneley, where

where the procurator for him was his brother Alexander Stuart, and by the infestment in favor of John Lord Derneley, of the half of the Lennox estate, the 27th of July 1473, where his brother Alexander Stuart was one of the witnesses.

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With regard to the descendants from this Alexander Stuart of Galstoun, Duncan Stewart, p. 152, says, that he was father of Robert of Galstoun; and he father of Thomas of Galstoun, and of Alan of Threepwood, provost of Edinburgh in the reign of King James V., and captain of his Majesty's guard. That Thomas Stuart of Galstoun married Isabel Henderson, and had Thomas of Galstoun, and Colonel William Stuart of Houstoun, captain of the guards of King James VI. commendator of Pittenweem, father of Frederic Stuart Lord Pittenweem, who died without issue. That this last Thomas of Galstoun seemed to be father of William Stuart of Galstoun, and the father of Ludovic Stuart of Galstoun, and died without succession in 1650, and disposed his estate to George Ross of Heining, his uncle.

PROOFS concerning BERNARD or BERAULT STUART, only Son of Chevalier JEAN STUART, Brother of Sir ALAN, and third Son of Sir JOHN STUART of Derneley, the first Seigneur of Aubigny.

Soon after the death of the Chevalier Jean Stuart, who died in the year 1482, his son Bernard Stuart performed to the King of France foy and homage for the lands and Seigneurie of Aubigny: and possession of these lands was thereupon ordered to him, as appears by the act dated the 22d of November 1483, in the Chambre des Comptes at Paris, folio 4843, of the volume of Anciens Homages.

In the year 1484, Bernard Stuart was sent ambassador from Charles VIII. of France to Scotland, for renewing the ancient league between

PART between these two countries ; in which he succeeded, as appears by
IV. the act of confirmation under the Great Seal of Scotland, dated at
Nº XI. Edinburgh the 22d of March 1483-4, in the twenty-fourth year of
 the reign of James III. of Scotland. In which act mention is made
 of Bernard Stuart, Lord of Aubigny, as the ambassador from
 Charles VIII. of France for negotiating that alliance, in conjunction
 with Magister Petrus Mallate utriusque juris Doctor.

This confirmation of the ancient alliances is printed at full length
 amongst the Pieces Justificatives subjoined to the Histoire of
 Charles VIII. Roy de France par Guillaume de Jaligny, &c. Re-
 cueilli par Godfroi. Printed at Paris in 1684.

In 1485, he was sent with auxiliaries from France to England,
 and had a share in the victory gained at Bosworth-Field on the 22d
 of August 1485, which placed King Henry VII. on the throne of
 England ; and by the death of Richard III. who was killed on the
 spot, put an end to the long and bloody quarrel between the houses
 of York and Lancaster.

As several English authors, in relating the battle of Bosworth, have
 made no mention of Bernard Stuart and the forces from France
 upon that occasion, it may be proper here to state the authorities
 for that fact.

Lesly bishop of Ross, in his History of Scotland, says, that
 “ Bernard Stuart commanded those forces that accompanied the
 “ Earl of Richmond (Henry VII.) into England, and did him good
 “ service against the usurper King Richard ; on which account the
 “ said Earl, after he became King, was ever thereafter wonderfully
 “ attached to the Scottish nation *.”

* Quo confecto iidem milites lecti Bernaldi Stuarti ductorem sequentes in An-
 gliam cum Henrico Comite Richmundiæ, qui (postea Rex Angliæ factus est) iverunt
 atque Henricum adversus Richardum regnum Angliæ occupantem adjuverunt, quo
 postea nomine Henricus Scotos merum in modum semper adamavit. Lesly de
 Rebus Gestis Scotorum, lib. viii. p. 311.

Malingre,

Malingre, a French historiographer, in his Chronological History, PART
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 “ affirms that “ Bernard Stuart was the King’s lieutenant-general of
 “ the army which was sent to England to assist Henry VII. against
 “ Richard III.”

Drummond of Hawthornden, in his History of the Five James’s of Scotland, p. 106, has the following paragraph :

“ In 1486, Henry Earl of Richmond came with some companies
 “ out of France, of which that famous warrior Bernard Stuart, Lord
 “ d’Aubigny, brother to the Lord Derneley in Scotland, had the
 “ leading, which, by the resort of his countrymen, turned into an
 “ army, and recounered Richard at Bosworth, where he was killed,
 “ and Henry proclaimed King of England.”

In the poem of “ Bosworth-Field,” written by Sir John Beaumont, printed at London in the year 1629, there are the following lines relating to Bernard the leader of the French forces :

“ Besides these soldiers born within this isle,
 “ We must not of their part the French beguile,
 “ Whom Charles for Henry’s succour did provide,
 “ A lord of Scotland, Bernard, was their guide,
 “ A blossom of the Stewarts happy line
 “ Which is on Britain’s throne ordained to shine.
 “ The sun, whose rays the heaven with beauty crown
 “ From his ascending to his going down,
 “ Saw not a braver leader in that age,
 “ And *Bosworth-Field* must be the glorious stage
 “ In which this northern eagle learns to fly,
 “ And tries those wings which after raise him high ;
 “ When he beyond the snowy Alps renowned
 “ Shall plant French lillies in Italian ground,
 “ And cause the craggy Appenine to know
 “ What fruits on Caledonian mountains grow.”

In

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In the year 1494 began that calamitous contention for the throne of the Two Sicilies, which plunged all Italy into the depth of misery for upwards of forty years. Charles VIII. of France laid claim to the kingdom of Naples, as heir of the house of Anjou. Ambassadors were sent to Rome to set forth to his Holiness the Pope the right which the King of France, as successor of the house of Anjou, on the failure of the line of Charles I., claimed to the kingdom of Naples. Four persons of distinction were chosen for this embassy, and the first named in the commission was Bernard Stuart of Aubigny.

After performing the duties of that embassy at Rome in the year 1494, Bernard Stuart was about to return to France, when he received orders from the King to stop at Milan. Charles himself went to Italy in that same year (1494), and found it necessary to assert and support his claim by force of arms. When he returned to France in 1495, he left the command of the French forces to Bernard Stuart of Aubigny, with the rank of lieutenant-general. In that same year he (Bernard Stuart) obtained a signal victory near Monte Leone, or Seminaria, over King Ferdinand and the Spanish general Gonsalvo de Cordova, distinguished by the name of the Great Captain. In effect, under the auspices of Bernard Stuart at one period of the war, a conquest was made of the kingdom of Naples for the King of France; though the effects of that conquest were not permanent, and much vicissitude of fortune was afterwards experienced by the French forces in Italy, for which various causes have been assigned by the authors who have wrote on the subject.

It is not the object of this Genealogical History to enter into these details, nor to enumerate the various gallant actions of Bernard Stuart, which acquired to him so great celebrity. It will be sufficient to refer to the French, Italian, and Spanish authors, who have recorded

recorded his actions, and to give a few short extracts from some of these authors for shewing the estimation in which he was universally held.

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BRANTOME, in his *Memoires des Hommes Illustres*, under the reign of Louis XII. tom. vii. p. 86. has the following article relating to Bernard Stuart, under the description of "Monsieur d'Aubigny, "Ecoffois ;"

"Ce Grand Roy eut sous lui de très grands capitaines qu'il dressa
"et façonna la plupart par ses belles et continuelles guerres delà les
"monts ; entr'autres *M. d'Aubigny, Ecoffois, & Grand Seigneur,*
"qui fit grand honneur à sa nation : de sorte qu'aucuns de nos
"Annalistes François l'ont appelé '*Le Chevalier sans Reproche ;*
"comme il le monstra en plusieurs beaux faits de sa main et de sa
"conduite, même en la conquete qu'il fit du royaume de Naples,
"avec une forte heureuse et vaillante fortune ayant à faire à Gon-
"salve ce Grand Capitaine. Il fit aussi très bien aux exploits de
"guerre en Lombardie. Les histoires en parlant assez, sans que
"j'en parle plus avant. Il mourut du regne du Roy François, fort
"vieux et cassé, plus de combat et victoires que de trop grande
"vieillesse."

PHILIP DE COMINES, a contemporary writer, who at that very period was ambassador of the King of France at Venice, in his *Memoires*, b. viii. c. 1. in mentioning the chief officers whom the King of France, Charles VIII., left in Italy, takes occasion to characterise Monseigneur de Montpensier who was left with the chief command at Naples, and Monseigneur d'Aubigny, left in the command of Calabria, as follows :

"Pour chef y demeura (à Naples) Monseigneur de Montpensier,
"de la Maison de Bourbon, bon Chevalier et hardy, mais peu sage,
"il ne se levoit qu'il ne fut midi. En Calabre laissa *Monseigneur*
"*d'Aubigny*, de la nation d'Ecosse, bon Chevalier et sage, bon et
"honorable,

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" Roy (comme j'ai dit) le Comté d'Acri et le Marquisat de Squil-
" lazzo."

MARIANA, a Spanish author, in his History, says, that " d'Au-
" bigny, a Scottish man, and a valiant chieftain, did by his valour
" and wisdom uphold the French interests in Calabria."

GUICCIARDINI, an Italian author, a Florentine by birth, in his
History of Italy from 1490 to 1532, b. iii. speaking of the severe
sickness under which Bernard Stuart laboured after the victory ob-
tained by him in the year 1495, makes use of the following ex-
pressions : " The prosperous state of the French affairs began some-
" what to decline on account of the long sickness of Aubigny, which
" interrupted the course of his victories, though almost all Calabria
" and the Principato were in the hands of the French."

DU HAILLAN, in his History of Charles VIII. saith, that " d'Au-
" bigny, afflicted with sickness, was vexed with impatience to see
" that, by the negligence of Gilbert of Montpensier, the King's
" affairs grew weak, and became worse every day ; that it was long
" since the soldiers had received their pay, the money which that
" kingdom yielded being already consumed."

PAULUS JOVIUS, in his History of the Life and Actions of Gonsalvo
Ferdinand de Cordova, commonly called the Great Captain, has had
occasion frequently to mention, incidentally, Bernard Stuart of Au-
bigny, who was opposed to him, and though a great admirer of
Gonsalvo, the hero of his history, does justice to the character and
conduct of Aubigny. From p. 177 to p. 181 of his History in
Latin, published at Florence in the year 1551, he mentions the
victory in the year 1495 gained by Bernard Stuart over Ferdinand
of Spain and Gonsalvo, and his subsequent illness, in the time of
Charles VIII. in Bernard Stuart's first expedition into Italy, when
the affairs of that country were left chiefly to his management.

The

The same author narrates the affairs of Italy in Bernard Stuart's second expedition, in the reign of Louis XII., when, upon a fresh rupture between the French and Spaniards, he was sent into Calabria, and expresses himself as follows :

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“ D'Aubigny, who had, next to the Duke of Nemours, the greatest
“ authority in the army, went to Calabria with the third part
“ thereof, being there much renowned, both for having in the
“ time of King Charles, with great moderation and mildness, go-
“ verned that nation, Demi-Grecian, and for that by his martial
“ prowess he overcame King Ferdinand and Gonsalvo in a me-
“ morable battle at Seminaria; so as in all men's judgment he was
“ preferred before all other French commanders. For which cause
“ there were many connected with him in friendships, and well
“ affected to him in particular, besides those who were of the
“ Angevine faction.” Jovius, lib. ii. p. 204.

The battle of Terrina, or Terra-Nuova, and the victory there gained by d'Aubigny in the year 1503, is related by Paulus Jovius in the following manner, lib. ii. p. 217.

“ Don Hugo de Cordova, with an army which he brought from
“ Sicily, having much annoyed the French party in Calabria, and
“ gained several advantages over them, the Lord d'Aubigny went to
“ encounter him, having in his army the Princes of Besignone and
“ Salerno, with their troops, Grigni with his light-horsemen, and
“ Malherbe with his Gasconne archers, and three companies of
“ Swifs: but his principal strength consisted in his men of arms,
“ among whom were most eminent a wing of Scottish men, who
“ were his familiars, and faithful to him. The enemy, though in-
“ formed of his preparation, did not expect him till two days after
“ they had notice thereof. But this expert and vigilant captain be-
“ guiled their expectations; for with French expedition, marching
“ night and day through ways little frequented, he shewed himself to
“ them next morning, and forthwith set on them. The Spaniards

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“sustained courageously the assault, so as the combat was alike
“fierce and bloody on both sides. D'Aubigny seeing this, com-
“manded Grigni with his wing to rush upon the Spanish and
“Sicilian infantry; which he doing, disordered them. On the
“other side, the enemies' horsemen, by the encouragement and
“example of Cordova, sustained the assault of the Calabrians, with
“like slaughter on both parts. But d'Aubigny advancing his
“troops, the Spanish and Sicilian cavalry, not being able to resist
“the Scottish men at arms, were defeated, and therewithal the
“infantry was overthrown and cut in pieces: Grigni, a most valiant
“knight, was slain in the combat; and d'Aubigny himself being in
“like danger, from some Spanish horsemen, who had surrounded him
“proceeding to pull off his helmet with an intention of cutting
“his throat, was preserved by a body of the Salernitan wing
“which came up in time to rescue him, and to disperse them.”
This fact the author states was related to him by Antonius
Lexa.

P. Jovius further adds, that after this victory gained by d'Aubigny, there was hardly any person in that part of the country (in Brotius), who did not incline to the side of the victorious French.

Concerning the overthrow which d'Aubigny met with not long after this victory, Du Haillan in his Reign of Louis XII. relateth it to this purpose:

“Don Hugo de Cordova having repaired his army, increased the
“same with a new supply of five thousand, so that his forces consisted
“of eight thousand men at arms. And albeit the Lord d'Aubigny
“knew the advantage they had in numbers, nevertheless being con-
“fident in his own sufficiency and the tried valor of his soldiers,
“and weary of waiting for new supplies from the king, he resolved
“to try the fortune of war. But his army was defeated, and he
“himself being in danger to be slain, was rescued by a troop of
“Scottish-

“ Scottishmen, whose valour in this fight Jovius commendeth, as
 “ also he telleth how d’Aubigny was rescued by them.”

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Guiccardini (b. v.) maketh mention of this defeat in these words: “ D’Aubigny was vanquished and taken in the very same
 “ ground where but a few years before he had with so much glory
 “ overcome and discomfited Ferdinand and Gonsalvo: so inconstant
 “ is Fortune in dispensing her favors, and of so short a duration is
 “ a course of prosperity.” He adds, “ This defeat of Aubigny,
 “ who was one of the best generals that attended Charles into Italy,
 “ and of a generous and noble spirit, can be ascribed to nothing
 “ else but his excessive ardor and hasty forwardness in hopes of
 “ victory.”

To the preceding accounts Paulus Jovius adds, that after this overthrow d’Aubigny withdrew himself into the fortress of Angetola, complaining of Fortune, which had so deceived him, having been till then *invincible*, and *twelve times victorious in battle* since he began to be a warrior in France and in Britain.

The same Jovius tells us (p. 224, 225), “ That while d’Aubigny
 “ was besieged in the said fortress, the Duke of Nemours having
 “ been slain, and his army defeated by the Spaniards at Cirignola,
 “ and Gonsalvo’s letters touching this victory having been sent to the
 “ Spanish commanders that besieged him, and by them to him, he
 “ said that he perceived Fortune to be very adverse to the French,
 “ and therefore judged it folly and obstinacy to withstand
 “ her. He promised that he would yield himself if that were true
 “ which was written. Whereof being certified by messengers,
 “ which he had purposely sent out to know the truth, during a truce
 “ of twelve days granted to him for that purpose, he came out of
 “ the castle apparelled in rich attire, and with a composed undif-
 “ mayed countenance yielded himself, upon condition that every
 “ one of those of his company should be set at liberty, and himself
 “ only kept in free custody. And it is said, that he sharply re-

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“ proved two young lords, his kinsmen, (who were after renowned warriors,) for that more faintly than was fit for men, namely, for them, being Scottishmen, and of the blood royal, they did bewail the unfortunate success of the war; not remembering that valiant men should never be disheartened, but seek, by a fresh endeavor of virtue revived and grown invincible, to recover Fortune’s favor.”
The defeat of the French forces at Seminara happened on the 21st of April 1503.

In the course of that year (1503) Bernard Stuart returned to France, after having passed several years in Italy, where he was no less famed and admired for his humane and gentle temper, and for his mild and equitable government in civil affairs, than for his martial achievements. He gave encouragement to men of learning and of talents; and was neither elated by prosperity, nor too much depressed by adversity.

In the year 1504, Louis XII. sent Bernard Stuart as his ambassador to the Court of Scotland, probably with a view of renewing the ancient alliance between France and Scotland: he was most graciously received by King James IV. In Pittscottie’s History, (p. 105,) it is said that “ Bernard Stewart hastily departed from Naples, and came through England into Scotland, where he was well received by the King and Council thereof; and the King treated him well and gently, and set him at the table with himself, and made him judge of all his justings and tournaments, and called him Father of War, because he was so practised in the same.”

In 1508, March 21st, Bernard Stuart and another ambassador, with a train of eighty horse, arrived in England from France on their journey into Scotland.

On this subject there is, in Drummond of Hawthornden, the following passage: “ About this time, (in the year 1508,) Bernard Stuart, that famous warrior under Charles VIII. of France,

“ France, who commanded the French at Bosworth-Field, came to
 “ Scotland, followed by Andrew Foreman, then Archbishop of
 “ Bourges and Bishop of Murray, with Alexander Stuart the king’s
 “ natural son, after promoted to be Archbishop of St. Andrew’s.”

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This was the third embassy in which Bernard Stuart had been employed from the court of France to that of Scotland; but his death soon after his arrival in Scotland prevented any consequences from this last embassy. Being in an infirm state of health at the time of his arrival, with a constitution worn out in military service, he died in the house of Sir — Forester at Corstorphin in the neighbourhood of Edinburgh, in the beginning of June 1508, and was interred in the church of Corstorphin, where a monument was erected to his memory, with a figure representing him in armour.

There is amongst the Derneley papers in the possession of the Duke of Montrose, the last will and testament of Bernard Stuart, by which he appointed Matthew Earl of Lennox, Lord of Derneley, and John de Aytoun, his executors. There is also an inventory of his effects taken at Corstorphin on the 8th of June 1508; from which it appears that this celebrated warrior had never enriched himself at the expence of the sovereign or of the public which he had served. His fame and reputation were the only valuable inheritance he left to his family. A copy of Bernard Stuart’s last will, and of the inventory of his effects, is here subjoined *.

There

* TESTAMENT.

Cum nihil sit certius morte nec incertius hora mortis huic est quod ego Baraldus Stewart prent’ licet eger corporis sanus tam in mente. Condo testamentum meum in hunc modum. In primis do et lego animam meam Deo Omnipotenti, Beatæ Mariæ Virgini, et omnibus Sanctis, corpusq’ meum sepeliend’ fore in Ecclia fratrum nigrorum Edinburgi. Item, Lego in die sepulturæ meæ in funeralibus pauperibus alijs pijs operibus et dictis fratribus xiiij. lib. Residuum verò omnium bonorum meorum existend’ ut supra. Pono in discretionem executorum meor’ quos constituo et ordino, viz. nobilem et potentem Dñum Matheum Comitem de Levenax, Dñum Derneley, et Johannem

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There is likewise amongst the Derneley papers a copy of a letter dated 22d June 1508, written upon Bernard Stuart's death, by James the IVth of Scotland to Anne Queen of France, and sister of the Duke of Brittany, in which James (by a letter in the Latin language) expresses himself as follows: "Obiit vitam fortissimus quond' armis et bello suus
" miles Bernardus Dominus Obiginus cui licet mortuorum debita rite
" exsolvissem. Tamen alta defuncti et suorum nostri pectori infidit,
" unde Robertum et Johannem Stewart proximos olim mortui cognatos
" apud Christianissimum nobis fratrem vestra queso commendit
" serenitas, ut officiorum dignitates et locus omnis Bernardo dum
" viverit a Rege pridem permisis ad eos gratiose deferantur quo
" longus mortui labor cognatis suis profuisse dicatur *."

Bernard

Johannem de Aytoun, ut ipsi disponant pro me et pro salute animæ meæ prout coram summo iudice voluerunt respondere in die Judicii.

Inventory of BERNARD STUART's Effects.

Inventarium omnium bonorum quond' nobilis et potentis Dñi Baraldi Stewart, Dñi de Albigny, Comititis de Bewmont, &c. infra regnum Scotiæ existen' factum apud Corstorphin, octavo die mensis Junii anno Dñi millesimo quingentesimo octavo, coram his testibus Alans Stewart de Cardonald, magro Adam Colquhoun rectore de Guvane Hugone Arbuthnot.

Imprimis, Fatetur se habere in vasis argenteis Zonis et aliis Focalibus ad
valorem - - - - - ij^m iiij Librar 2004 l.

Item. Indumenta et vestimenta sui corporis.

Summa Inventarii patet.

Debita quæ per eum debuntur.

Item, Diversis suis Creditoribus quinquaginta septem auri ponderis
Franciæ.

Summa Debitorum patet.

Summa omnium bonor' debitis extract' et salut' i^m viij C. Lib. 1800 l.

* *Letter from JAMES IV. to the Queen of France.*

Illustrissime, potentissime, et serenissime Principi Annæ, Dei benignitate Regine Francie et Duci Britannie Regis Sorori consanguinee et confederate nostre carissime
Jacobus

Bernard Stuart left no male issue, only one daughter Anne, who married her cousin Robert Stuart, the fourth Lord of Aubigny, of whom hereafter *.

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Jacobus Dei gratia Scotorum Rex, salutem et integram dilectionem, Illustrissima, Potentissima, et Serenissima Princeps :—Obiit vitam fortissimus quond' armis et bello suus miles Bernardus Dñus Obiginus cui licet mortuorum debitar ite exsolvissem. Tamen alta defuncti et suorum memoria nro pectori infedit, unde Robertum et Johannem Stewart proximos olim mortui cognatos apud Christianissimum nobis fratrem vestra queso commendat serenitas, ut officiorum dignitates et locus omnis Bernardo dum viveret a Rege pridem permissis ad eos graciose deferantur quo longus mortui labor cognatis suis profuisse dicatur. Illustrissima, Potentissima, et Serenissima Princeps, soror consanguinea et confederata charissima, in longos et felices annos valete. Ex Palacio meo apud ædem Dive Crucis xxij die mensis Junii anno salutis octavo supra millesimum et quingentesimum.

(Addressed on the back).

Illustrissime, Potentissime, et Serenissime Principi Anne Dei benignitate Regine Francie, Duci Britannie & sorori consanguinee et Confed^{te} nre Charissime, &c.

* In the chateau d'Aubigny belonging to the Duke of Richmond in France, there are the following pictures, viz.

In the dining room, a full length picture, as large as the life, of Jehan Stuart, Grand Connétable de l'armée d'Ecosse, with an inscription upon it describing him as such, and as the premier Seigneur d'Aubigny; and at the bottom of it there is the date of the year 1422. This is a good picture, painted on wood, and has been very well preserved.

There are also in the drawing-room at Aubigny the heads or portraits in a small size, set in gold, of the successive Seigneurs of Aubigny of the Stewart race, with inscriptions upon each of them. These portraits or heads are inclosed in one frame.

The 1st in that collection is, Jehan Stuart Connétable de l'armée d'Ecosse.

The 2d is, John Stuart, son of the Connétable, who is described Seigneur d'Aubigny et Concreffault, Conseillier et Chambellan de Louis XI.

The 3d is, Berrault (or Bernard) Stuart, with the following inscription : " Seigneur d'Aubigny, Duc de Terre Nove, Marquis de Girace et Squillazzo, Comte de Beaumont, d'Arcy, et de Venassac, Grand Connétable de Sicile et de Jerusalem."

The 4th is, Robert Stuart, designed of Aubigny, Comte de Beaumont.

The 5th is, John Stuart Seigneur d'Aubigny, Comte de Beaumont.

The 6th is, Esme Stuart, premier Duc de Lennox, Comte de Derneley, et Baron de Torbolton, Seigneur d'Aubigny.

The 7th is, George Stuart, Seigneur d'Aubigny, second fils d'Esme Stuart, Duc de Richmond et de Lennox.

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The 8th is, Charles Stuart, (fils de George,) Duc de Lennox et Comte de Litchfield, dernier Seigneur d'Aubigny de cette maison.

To this last Charles Duke of Lennox, King Charles the Second of Great Britain, succeeded as the nearest heir male collateral.

All these pictures were at the Chateau d'Aubigny when the author was there in the month of November 1788.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART FIFTH.

Beginning with MATTHEW STUART Lord Derneley, the second Earl of Lennox, eldest Son of JOHN Lord Derneley and Earl of Lennox, who died in the year 1494; and ending with MATTHEW STUART, fourth Earl of Lennox, who died in September 1571.

TWELFTH GENERATION.

1. MATTHEW STUART Lord Derneley, and Earl of Lennox.
2. ROBERT STUART Lord of Aubigny.
3. WILLIAM STUART, Captain of the Gens d'Armes.
4. JOHN STUART of Henriefston.
5. ALEXANDER STUART.
6. ALAN STUART of Cardonald.

PROOFS concerning MATTHEW STUART, the eldest Son of JOHN Lord Derneley and Earl of Lennox.

IN the charter before-mentioned dated 1st June 1490, granted by King James IV. in favor of Matthew, he is described eldest son of John Earl of Lennox.

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N^o XII.

There is in the Records of the Privy Seal in Scotland, Book i. fol. 97, an entry of a grant, dated 18th April 1499, giving to Matthew Earl of Levenax the mails and profits of the lands of Bathcat baith of property and tenandry lying in the sheriffdom of Renfrew *, for all the time that the same has been in the hands of our Sovereign Lords grandshir, and his father, and in the hands of himself since the decease of Umqhill Alane Lord Dernlie, grandshir to the said Matthew by the non-entries of the righteous air or airs thereto, and ay and while the saids enter lawfully thereto; and also of the gift of relief, &c.

In the Records of the Great Seal in Scotland, Book xviii. N^o 2. there is a charter by King James IV. dated 18th January 1511, in favor of Matthew Earl of Lennox, which narrates and confirms to him the charter which had been granted in the year 1361, in favor of the deceased Sir John Stuart of Derneley, by Robert the Stewart of Scotland, whereby he granted the lands of *Cruckinfee*, of *Incbennan*, and of *Perthwickscott* within the Stewart's barony of Renfrew, to be held by the said Sir John Stuart and Robert his son and heir, whom failing, without heirs male of his body, to the other heirs male of the body of the said Sir John Stuart, with and under the following conditions: That if it should happen that the said Sir John Stuart and the heirs male of his body should fail, in that case Robert the Stewart gave and granted all the foresaid lands to Walter Stuart the brother of the said Sir John Stuart, to be held by him and the heirs male of his body; whom failing, to Sir Alexander Stuart brother of the said Sir John and Walter, to be held by the said Sir Alexander, and the heirs male of his body, and their heirs male in fee and heritage; with this further declaration and condition, that if it should happen

* These lands of Bathcat lie locally in the shire of Linlithgow, but as making part of the Stewart's lands in Scotland were annexed to the shire of Renfrew.

that the said Sir Alexander Stuart, and the heirs male of his body should fail, then that the nearest heir male that can be found of the blood and name of the said Sir John Stuart; and the heirs male always of such heir male shall succeed to the said Sir John Stuart, and to his son, and to his brothers and to their heirs male in the said lands with all their pertinents in all time thereafter heretably and of right.

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The charter thus granted in the year 1361, by Robert the Stewart, which has been already mentioned in Part II. of this Genealogical History, is verbatim inserted in the said charter of confirmation, 18th January 1511, by James IV. in favor of Matthew Lord Derneley Earl of Lennox; then follows a clause confirming the said grant in these words: "Quamquidem cartam talliæ infeodationem et donationem in eadem contentas in omnibus suis punctis et articulis conditionibus et modis et circumstantiis suis quibuscunque in omnibus, et per omnia forma parier et effectu et premissum est, approbamus, ratificamus, ac pro nobis et successoribus nostris Regibus Senescallis Scotiæ, pro perpetuo confirmamus."

Then a clause by which the King grants to the said Matthew Earl of Lennox, therein designed his "Cousin and Councillor, now heir and possessor of the *Lordship of Derneley* foresaid," all right, title, and interest, which his Majesty, his predecessors or successors, had, have, or any ways might have, to the lands and lordship above-written, or any part thereof, or to the rents and profits of the same, by reason of recognition, forfeiture, or non-entry of the heirs, or any other manner of way.

There is also in the charter of confirmation a clause by which his Majesty from the special favour which he bears towards his said cousin the Earl of Lennox, and for good and gratuitous services rendered by him, and for the preservation of the Castle of Crookisfee, the manor and palace of Inchennan, and other policies, (*policiarum*.) within the said lordship of Derneley, from the devastation and destruction which might happen to them during the time

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time that the said lands might be in ward, by the persons who might possibly obtain a gift of the ward; his Majesty therefore granted and confirmed heretably to the said Matthew Earl of Lennox and his *heirs male*, the said castle and fortalice of Crookisfew, buildings, yeards, mains, parks, and inclosures of the same, the dominical lands of Derneley, and miln thereof, the lands of Dormendsyke, Nethertoun, and Auld Cruckiston, extending to a Twenty Pound Land of old extent, lying round the said castle; and the said manor and palace of Inchennan with the parks and garden thereof, the dominical lands of Inchennan, the lands of Quithill, the town of Inchennan, Ruschaled, Wirthland, Flurys, Cragtoun, and Gardenerland, with the whole commons thereof, extending also to a Twenty Pound Land of old extent, with all its pertinents, lying in the said barony of Renfrew, to be held by the said Matthew Earl of Lennox and his *heirs male according to the tenor of the said charter of tailie*, of and under his Majesty and his successors, Kings and Stewarts of Scotland, in fee and heretage in free blench farm for ever, for payment of a penny silver by the said Earl and his heirs male above-written, if asked, allenarly; notwithstanding that the said lordship of *Derneley* was formerly held of his Majesty by service of ward and relief; but rendering to his Majesty and his successors for the whole *remainder* of the said lands of Cruckisfew, Inchennan, and Perthwickscott, with their pertinents, the service of ward and relief due and usual for the same before the said charter of confirmation.

It has been thought proper to give this full and exact account of the contents of the charter of confirmation granted by King James IV. on the 18th of January 1511 in favor of his cousin Matthew Stuart Lord Derneley, and Earl of Lennox, because several observations arise from it.

In the first place, it shews the great extent and the component parts of the lordship of Derneley comprehended under the grant to the Derneley family by the Stewart of Scotland in the year 1361, and

and in the charter of confirmation by King James in the year 1511; PART
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from which it appears that those parts of the lordship of Derneley whereof the holding was by that charter changed from Ward to Blench, amounted to Two Twenty Pound Lands of old extent, exclusive of those parts of the lordship of Derneley, which were still to remain under the tenure of Ward and Relief.

Secondly, The charter of confirmation 1511, after reciting the terms of the original grant 1361, by the Stewart of Scotland to the Derneley family, describes Matthew Earl of Lennox, in whose favor the charter 1511 was granted, as the *heir and possessor of the lordship of Derneley*. This he could not have been in any other way than as the heir male descended from one or other of the three brothers, John, Walter, or Alexander, named in the grant 1361; and it having been proved that Matthew Earl of Lennox was descended from Alexander the youngest of these three brothers, it follows from thence, that the two elder brothers, John and Walter, had died without leaving male descendants. The circumstances therefore which attend the original grant 1361, and the charter of confirmation 1511, serve to confirm the accuracy of the preceding genealogy of the Stuarts of Derneley from 1361 to 1511 at least.

Thirdly, It has been shewn that it was about the year 1460 or 1461, that Sir John Stuart of Derneley, the father of Matthew Earl of Lennox, was created Lord Derneley, from which period he uniformly enjoyed the rights and privileges of a Peer of Parliament. The patent, or other deed by which that Peerage was established, has not been discovered; but the evidence preserved of the destination and course of succession with regard to the lands and estate of the lordship of Derneley, both before and after the acquisition of the title or peerage, leave no room to doubt, that the peerage of Derneley was settled and established in favor of John Lord Derneley and the heirs male of his body, whom failing, his heirs male whatsoever; for in this manner, and by such destination

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nation of succession it was, that the lands and estate composing the lordship of Derneley had been enjoyed since the grant 1361; and it must be presumed that at the time of granting the title and peerage of Derneley, care would be taken both on the part of the crown and of the grantee, that the estate and the honors should go in the same channel, and be enjoyed by the same heirs.

When Matthew Lord Derneley and Earl of Lennox obtained from King James IV. in the year 1511, the charter by which he confirmed and enforced the terms of the original grant 1361, whereby the succession to the estate had been provided to the *heirs male whatsoever* in all future time; he could not be ignorant of the terms in which the peerage of Derneley was recently granted to the family; for John the father of Matthew was the first Lord Derneley, and so created in the year 1460 or 1461, about fifty years only before the date of the charter 1511. If he had found that the patent or grant of the Derneley peerage had been in favor of heirs general, or that it had been limited to heirs male of the body, without extending to heirs male in general, he certainly would have endeavoured to put into the same channel of succession the lands and estate of the lordship of Derneley: but when we see that instead of this, Matthew the second Lord Derneley obtained from the Crown in 1511 a charter confirming the grant 1361, and establishing in a very pointed manner, that the succession to the Derneley estate should in all time coming continue to be in favor of the heirs male in general; this amounts almost to an express declaration, or at least to a very strong presumption, that he knew that the peerage of Derneley had been given in favor of the heirs male in general of the grantee. For it cannot be supposed that he would have been at pains to obtain a charter of the estate with that course of succession, if the destination of succession in the peerage had been upon a different plan. It is very natural that a proprietor
of

of estates and honours should wish, and do his endeavours for their flowing in the same channel; but to wish, or contrive that the one should be separated from the other, would be so unnatural as to be almost, if not altogether, without example.

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From the terms of the charter 1511, Matthew Lord Derneley, Earl of Lennox, could not but perceive that the succession in favor of heirs male was, if possible, more firmly rivetted by that charter; for after inserting a full copy of the original grant, which, in the charter 1511, is described as a charter and investment of tailie, there is a clause by which his Majesty King James IV. ratifies and approves of it in all points, and of the conditions and circumstances thereof; and it is expressly said in that charter 1511, that the lands were to be held by the said Matthew Earl of Lennox, and his heirs male, according to the tenor of the said charter of tailie (that is, of the deed 1361).

It appears that Matthew Earl of Lennox, sensible of the distinction between the destination of the lordship of Derneley, received by grant from the Stewart of Scotland in the year 1361, and the destination of the lands composing the earldom of Lennox, and the title or peerage of Earl connected with these lands, obtained on the 25th of January in the same year 1511-12, a separate charter from James IV. of the earldom of Levenax, lordship and lands thereof; and the office of sheriff of the whole county of Dumbarton, which premises are declared to have belonged, and to belong at the date of the said charter, to the said Matthew Earl of Lennox heretably. But in this charter of the earldom of Levenax, the lands are not given, as in the charter of the lordship of Derneley, to Matthew Stuart and *his heirs male*, but to Matthew Stuart Earl of Levenax, and *his heirs general*, (*hæredibus suis*;) which is repeated in several parts of the charter, without any indication of a limitation to heirs male.

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This destination has probably been owing to the circumstance, that the ancient investitures of the earldom of Levenax had been in favor of heirs general; and indeed it was only through an heir female, Elizabeth, second daughter of Duncan Earl of Levenax, and grandmother of John Stuart the first Lord Derneley, that he, John, the first Earl of Lennox of the Stuart line, had any claim to the lands composing the earldom of Levenax; and therefore, when he obtained the honors and peerage of the earldom belonging to that family, most probably that earldom was granted to him and his heirs general; a circumstance which must have been perfectly known to Matthew Earl of Lennox, who succeeded to his father John within a few years after the creation of the earldom of Levenax in his favor.

The said charter, 25th January 1511-12, granted and confirmed to the said Matthew Earl of Lennox and his heirs, all right and interest which his Majesty, or his predecessors or successors, had, or might have in any manner of way, to the said earldom, lordship, and lands, and to the office of Sheriff of Dumbarton; to be held by the said Matthew Earl of Levenax *and his heirs*, of and under his Majesty, and his successors, Kings of Scotland, in fee and heretage, free earldom and free forest for ever, giving therefor yearly to his Majesty, and his heirs, Kings of Scotland, the services used and wont.

There is likewise in the Public Records, Book xvi. No. 9, a charter of the lands of Torboltoun, extending to an Hundred Pound Land of old extent, and of the lands of Galstoun extending to a Forty Merk Land of old extent, and of the lands of Dregairne extending to a Twenty Merk Land of old extent, and being in the shire of Air, all united into the barony of Torboltoun in favor of John, son and apparent heir of the said Matthew Earl of Lennox and of Elizabeth his wife, in conjunct investment, and to the heirs male to be procreated between them; whom failing, to return to the said Matthew

Matthew Earl of Lennox *and his heirs male whatsoever, according to the form and tenor of his ancient infeftments*; which charter is dated 2d February 1511-12. PART
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With regard to the lands and estate of Castelmilk in Annandale, which belonged to the Derneley family, held by them immediately of and under the Lords of Annandale, Matthew Stuart Earl of Lennox appears to have made up his titles to these lands in the year 1496, in the following manner:

The lordship of Annandale, which had for some years been enjoyed by Alexander Duke of Albany, was, by a sentence pronounced against him in the year 1483, forfeited to the Crown; and by a decree in the Parliament of Scotland, 13th October 1487, that lordship was for ever thereafter annexed to the Crown of Scotland; so that the vassals or proprietors of lands in that lordship came by that forfeiture and annexation to hold them immediately of and under the Crown, instead of holding them as formerly under the Lords of Annandale as intermediate between them and the Crown. This was the situation of the lordship of Annandale at the time when Matthew Earl of Lennox succeeded to his father John in the year 1494. He therefore applied to the Crown in the year 1496, for the proper feudal investiture in these lands of Castelmilk as heir to his father John Earl of Lennox, the last vassal who had been received by the Lord of Annandale, who at that time was the legal Superior. Accordingly Matthew Earl of Lennox obtained from the Crown a precept under the Great Seal, dated in the year 1496, for infefting him as heir to his father John Earl of Lennox in the Forty Merk Lands of Castelmilk, and in the Ten Merk Lands of Brummel. Upon which precept of sasine Matthew was regularly infeft in these lands as heir to his father John; this is proved by the instrument of sasine, dated 10th May 1496, under the subscription of Sir John Mackewne, Notary*.

Matthew

* An inventory of the papers in the Lennox charter chest was taken a good many years ago by Mr. John Inglis Advocate, on behalf of Lady Catherine O'Brien, by order of

Matthew Earl of Lennox having made up his titles in this manner to the lands of Castelmilk, as heir therein to his father John Earl of Lennox, it infallibly proves, that he, John, had made up his titles to these lands by an entry from the Superior; since it could have been of no use to Matthew Earl of Lennox to take infeftment in the lands as heir to John his father, unless John had himself made up his titles.

It has been already shewn that it was in the year 1468 that John Earl of Lennox made up his titles to the lands of Castelmilk, to which year the non-entry duties formerly incurred had been calculated; and it was also observed that one motive for his making up his titles at that time most probably was, that he might have it in his power to accommodate his cousin Matthew Stuart, the proprietor of the lands of Castelmilk, who at that precise period succeeded to that estate, and who could not get his titles to it made up until his immediate Superior the Earl of Lennox should get his own titles to the superiority of these lands established by an entry from his Superior. It was natural that Matthew Stuart the proprietor should be desirous to have this done, not only for the sake of having a proper feudal title from his immediate Superior, but also for putting an end to the expence incurred by the non-entry duties, which, while the lands continued in that state, amounted to a heavy charge.

the Commissioners of Treasury, in which inventory one of the articles is a receipt or declaration, dated 25th February 1611, granted by Sir Matthew Stuart of Minto, wherein he acknowledges that he had, by the command of the Lord Blantyre, (at that time one of the Commissioners of Ludovick Duke of Lennox), received out of a bundle of the Lennox papers, the instrument of sasine above-mentioned, dated 10th May 1496, in favor of Matthew Earl of Lennox as heir to his father John Earl of Lennox, in the Forty Merk Lands of Castelmilk, and in the Ten Merk Lands of Brummel; and Sir Matthew Stuart of Minto (who was also one of the Commissioners of Ludovick Duke of Lennox,) thereby obliged himself to redeliver the said instrument of sasine.

The original inventory above referred to, taken by Mr. James Inglis, is amongst the Derneley Papers in the possession of the Duke of Montrose at Buchanan.

The purpose for which the above instrument of sasine had been, in the year 1611, borrowed by Sir Matthew Stuart of Minto, will be shewn in Part VI. under the title of Ludovick Duke of Lennox.

It was most probably for a similar reason that Matthew Stuart Earl of Lennox, who had succeeded to his father in 1494, made up his titles to the lands of Castelmilk in the year 1496; for in that year, Sir William Stuart of Castelmilk, the son of Matthew before-mentioned, died, and was succeeded in the estate of Castelmilk by his son Alexander, who would naturally be desirous to get a valid investiture of his property from the Earl of Lennox his immediate Superior, and for that purpose would prompt him to get his titles speedily made up, so as to avoid the expence of the duties constantly incurred during the non-entry.

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Matthew, the second Lord Derneley and Earl of Lennox, who was firmly attached to his Sovereign James IV., attended that Monarch to Flouden-Field, where he and the Earl of Argyle commanded the right wing of the Scottish army, which engaged the English army on the 9th of September 1513; and in that battle, which proved fatal to the Sovereign himself and to the flower of the Scottish nobility, both the Earl of Lennox and the Earl of Argyle were slain.

Of his marriage with Elizabeth Hamilton, daughter of James Earl of Arran, by Lady Mary Stuart sister of King James III. the issue were,

1. WILLIAM, Master of Lennox, who married Margaret daughter of William Earl of Montrose; but died without issue.
2. JOHN, who succeeded his father Matthew Earl of Lennox.

And three daughters,—1. MARGARET, married to John Lord Fleming, and afterwards to Alexander Douglas of Mains.

2. ELIZABETH, married to Sir Hugh Campbell of Loudoun.

3. AGNES, married to William Edmonstoun of Duntreath.

PROOFS concerning ROBERT STUART, the second Son of JOHN
the first Lord Derneley and Earl of Lennox.

This Robert Stuart, when very young, had been in his father's lifetime, in the year 1488 or 1489, engaged with his brothers Matthew and Alexander Stuart, and with his cousins the Stuarts of Castelmilk, and others, in holding out the Castle of Dumbarton against James IV. in his minority, or rather against those powerful Lords who had rebelled against James III., and who continued for some time after the death of that Monarch in the year 1488, to influence the young King his successor, and to regulate the affairs of Scotland.

A pardon, however, was upon the 12th of February 1489-90, granted to Robert Stuart and the other persons concerned in that offence, as has been already mentioned.

And it has also been noticed, that upon the death of Bernard Stuart of Aubigny, in the year 1508, James IV. interested himself for this Robert Stuart, by writing a letter, on 22d June 1508, to Ann Queen of France, stating that Robert and John Stuarts were the nearest relations to the said Bernard Stuart in France, and requesting that the offices and dignities which had been enjoyed by Bernard Stuart, when alive, might be transferred to the said Robert and John, from which it might appear that the long services and toils of the deceased Bernard had proved of advantage to these his relations.

Hence it appears that Robert and John were at that time, in the year 1508, in the service of the King of France.

In the Records of the Chambre des Comptes at Paris, vol. ii. coté 4873, there is inserted the foy and homage rendered by Robert Stuart, on the 21st of August 1508, to the King of France for the lands and seigneurie of Aubigny in the province of Berry.

With

With respect to the lands of Concreffault in the same province, PART
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Nº XII. which ~~belonged~~ to the first Sir John Stuart of Derneley, and afterwards to his second son John, who performed homage for the same on the 2d of September 1461, these lands of Concreffault were not included either in the foy and homage performed by Bernard Stuart for the lands of Aubigny on the 22d November 1483, nor in that performed by Robert Stuart on 21st August 1508, because they had been sold to Alexander de Monypenny, who, upon the 8th of May 1487, performed foy and homage for them to the King of France, as appears from the record of the foy and hommages kept at the Chambre des Comptes at Paris.

Robert Stuart of Aubigny had entered into the service of the King of France before the year 1500, and even had then attained a pretty high rank in that service; for there is in President Henault's *Abregé Chronologique de l'Histoire de France*, the following article at the date of the year 1499:

“ Conquête du Milanez faite dans l'espace de vingt jours par
“ l'armée du Roi, sous la conduite de Louis de Luxembourg Comte
“ de Ligni, de *Robert Stuart Seigneur d'Aubigni*, & de Jean Jacques
“ Trivulce Seigneur Milanois. Le Roi fait son entrée dans Milan
“ le 6 Octobre, & en laissa la gouvernement à Trivulce.”

In the course of many years of active and important services, he acquired a very high military reputation. The histories of France and of Italy have recorded his gallant actions and his successful enterprises, the detail of which would be too long for this *Genealogical History*; it may be sufficient to take notice that he attained the highest military honours and rank in France, having been created one of the Mareschals by Francis I. in the year 1515, at a time when there were but four Mareschals in that kingdom.

It

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N° XII. It appears from the papers in the Cotton Library, referred to by Mr. Pinkerton, vol. ii. p. 183, that in the beginning of the year 1520, Francis I. of France had sent into Scotland Flamigny as his ambassador to recommend internal concord; but as that embassy was little attended to, a more dignified embassy was afterwards sent in the persons of Robert Stuart Lord of Aubigny, and John de Planis, both of them Counsellors of State in France. These two ambassadors remained in Scotland some months in the year 1521, attempting to conciliate the intestine divisions of that country; and then returned through England to France. The instructions given to Aubigny in that embassy are still extant. Cal. b. vi. 140.

Upon the 15th of June 1527, Robert Stuart of Aubigny received from Francis I. a royal grant of the comté, terre, et seigneurie of Beaumont le Roger in the province of Normandie, to him, and to his wife Jacquelin de Longueville, to be enjoyed and used by them, and the survivor of them, as their proper revenue, in the same manner and as fully as these said lands and seigneurie had formerly been enjoyed by Bernard Stuart and Anne de Naumont his wife.

In this royal grant it is mentioned that Bernard Stuart had married Anne de Naumont, daughter of Guy de Naumont Seigneur of St. Quintin, and of Jane natural daughter of the deceased John Duc d'Alençon; that of that marriage, there was one daughter, Anne Stuart, who was joined in marriage with Robert Stuart, who in the said royal grant is thus designed: "Notre très cher et aimé cousin Robert Stuart Chevalier de notre ordre, et Capitain de la garde de notre corps, Seigneur d'Aubigny." And the motive of the grant is thus expressed:

"Voulant et desirant singulièrement gratifier et favolablement
"traitter notre dit cousin Robert Stuart, lequel pour le service de
"nous et de la chose publique de notre royaume, a delaisé le
" lieu

" lieu de sa naissance ; considerant aussi les vertus et merite de sa
 " personne, et les grands et recommandables services qu'il a fait
 " par cy devant à nous et à nostre dit royaume, en exposant sa per-
 " sonne en plusieurs guerres, journées, et rencontres, et autrement en
 " plusieurs et maintes manières, fait et continue chacun jour, et es-
 " perons que plus fera cy après, pour ces causes," &c.

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The above grant recorded upon the 9th December 1527, in the
 Registers of the Parliament of Rouen, was also recorded in the
 Chambre des Comptes at Paris, from whence a certified extract
 was delivered to the Author in the year 1789.

N. B. The contents of the above grant shew that Robert Stuart,
 the Mareschal d'Aubigny, was twice married; first, to Ann
 Stuart the daughter of Bernard Stuart, which first wife must
 have died before the year 1527, as the grant shews that at the
 date of it, the second marriage had taken place with Jaqueline
 de Longueville*.

In the Histoire Genealogique et Chronologique de la Maison
 Royale de France, par le Pere Anselme, vol. vii. p. 142, there is a
 pretty accurate, though very brief account of Robert Stuart the
 Mareschal d'Aubigny, which is as follows:

" Robert Stuart Comte de Beaumont le Roger, Seigneur d'Au-
 " bigny sur Nerre, Chevalier de l'ordre du Roy, et Capitaine du

* In a manuscript history of the Stuarts of Derneley in the Advocates' library at
 Edinburgh, written by Richard Hay of Drumboot, it is said, that " Robert Stuart the
 " Marechal, built the House of Verrary near to Aubigny, which lands he had by his
 " wife." It is not said by which of his wives he had these lands, whether by
 Ann Stuart the daughter of Bernard Stuart, or by Jaqueline de Longueville. But
 if the House of Verrary was built by Robert Stuart the Marechal; then the pictures
 which were painted on the wall in the gallery of that house, in a series of pictures
 from the first Sir John Stuart of Derneley killed during the siege of Orleans in Fe-
 bruary 1429, down to Matthew Stuart who was killed at Stirling in the year 1571,
 could not have been of a more early period than that of Robert Stuart the Marechal,
 who died in the year 1543, and may have been of a much later period.

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Chambre des
Comptes,
Mem. D. D.
fo. 129.

" Cent Gardes Ecoffois, dit le Mareschal d'Aubigny, second fils de
" Jean Stuart second du nom, Comte de Lenox, et d'Elizabeth
" Montgomery d'Eglinton; rendit de grands services au Roi en
" Italie, où il defendit Navarre en 1500; se trouva aux prises de
" Bologna, de Gênes, et à l'entrée solennelle du Roy dans Milan."

" Il fut fait Gouverneur de Bresse, et crée Mareschal de France
" en 1515; defit les troupes de Prosper Colonne auprès de ville
" Franche en Piémont; servit depuis dignement la couronne pen-
" dant la guerre de Provence en 1536; et mourut en 1543, sans
" posterité; d'Anne Stuart Comtesse de Beaumont le Roger et
" d'Aubigny, sa femme, fille unique de Beraud Stuart Seigneur
" d'Aubigny, Connetable de Sicile, et Anne de Maumont. Le Roi
" lui avoit fait don la même année le 9^e Novembre du Comté de
" Beaumont le Roger. Ses ancestres seront rapportés dans l'Histoire
" des Souverains de l'Europe."

There is a book intituled, " Catalogue des Illustres Mareschaulx
" de France," printed at Paris in 1555; with their arms and ar-
" morial bearings blazoned; in which book there is the following
" article relating to Robert Stuart:

" Messire Robert Stuart, Seigneur d'Aubigny, Chevalier de l'ordre
" Saint Michel, Mareschal de France, du temps du Roy Louis Dou-
" zieme, et du noble Roy François, mil cinq cens et quinze, et mil
" cinq cens quarante et trois; homme fidele aux François, suyvant
" le naturel des Ecoffois; et portoit de Durgel, qui est de France
" à la bordure de Gueulles, fermailles d'or de huit pièces escartellée
" d'or à la face eschiquetée d'argent et de sable de trois traict,
" bordée et endenté de Geuelles, accompagnée de quatre quinte
" feuilles de mesme."

In the Depôt des Manuscrits at the King's library at Paris, there
" is a " Pacquet des Titres provenus du Cabinet de Monsieur de
" Gaigniers," cotté 1509, and the first piece in that paquet is thus
" intituled:

" Parties

"Parties payée par Robert Stuart, Chevalier, Seigneur d'Au-
 "bigny, luy étant Gouverneur et Lieutenant General pour le Roy
 "en la ville de Bresse, en laquelle il fut huit mois où environ
 "assiégé par le Pape, l'Empereur, le Roi d'Espagne, Veneciens,
 "Suisses, et Communes d'Italie."

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There are in the same pacquets several sheets of paper containing
 a report made by Robert Stuart, of incidents relative to his govern-
 ment of Brescia; and there is a receipt and certificate signed by
 him at Paris, on the 8th of May 1517, which begins in these
 words: "Nous Robert Stuart, Chevalier, Seigneur d'Aubigny, Ca-
 "pitaine de la Garde du Corps du Roy et des Cent Hommes
 "d'Armes Ecoissoises de ses anciennes ordonnances, certifions au
 "Roy," &c. &c.

PROOFS concerning WILLIAM STUART, third Son of John
 Stuart first Earl of Lennox.

This William Stuart is mentioned by Duncan Stewart, p. 153, as
 third son of John the first Earl of Lennox, and is described as Cap-
 tain of the Scots Gens d'Armes in France.

In the Dépôt des Titres et de la Genealogie kept at Paris, there
 are several original receipts by this William Stuart, which the Author
 had occasion to see while at Paris in the year 1789, and of which
 notes were then taken; particularly there is a receipt by him for
 money received, dated 25th August 1499, with his subscription and
 seal to it; in which receipt he is thus described: "Guillaume Stuart,
 "Chevalier, Seigneur d'Oyzon, Conseillier et Chambellan du Roy,
 "notre Sire et Capitain de Cent Lances."

In a register belonging to the Chambre des Comptes at Paris,
 beginning in 1499 and ending in 1501, there is the following
 article:

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“Messire Guillaume Stuart, Chevalier, Seigneur d'Oyzon, Capitaine de Cent Lances, revue à Rozey.”

In the same register, fol. 148, “Guillaume Stuart, Chevalier, Seigneur d'Oyzon et de Grey, Conseillier & Chambellan du Roy, Capitaine de Cens Lances, revue à Alexandria.”

N.B. In the course of examining the different articles in these registers it appeared that the phrase of “Capitaine de Cens Lances,” must have implied a command of 300 men at least, for each lance consisted of un homme d'arme et deux archers; or, un homme d'arme, un archer, et un arquebusier.

PROOFS concerning JOHN STUART, fourth Son of John the first Earl of Lennox.

This John Stuart is in Duncan Stewart's History described as John Stuart of Glanderstoun; but in an authentic deed before-mentioned, he is described John Stuart of Henriestoun. The deed here referred to is the commission dated 8th July 1493, where John Earl of Lennox gave a commission to Matthew Stuart his son and apparent heir, and to John Stuart of Henriestoun also his son, to go to the Kirk of Drymen on the 9th of July then instant, and to commune and agree with John Haldane of Gleneagles concerning the avail of the earldom of Lennox.

That same John Stuart was Rector of Kirkenner, in the diocese of Galloway, and was chosen Rector of the University of Glasgow, in which office he continued for several years prior to the year 1477 (as mentioned in M'Ure's History of Glasgow).

In Duncan Stewart's History, p. 153, it is stated, that this John Stuart married Marion daughter of Sir Thomas Semple of Elliotston, by whom he had one child, Margaret his heir, who married John Frazer of Kuoik in Airshire.

PROOFS concerning ALEXANDER STUART, fifth Son of John
first Earl of Lennox.

Alexander Stuart is one of the witnesses to the investment before-mentioned in favor of Matthew Earl of Lennox, and his wife Elizabeth Hamilton, of the lands of Craig of Nielston, &c. dated 11th September 1495, where he is described "Nobilis et egregius" vir Alexander Stuart, Germanus, dicti Domini Matthei.

No other evidence concerning him has been discovered in the Records in Scotland; but in the *Depôt des Titres et Genealogie* at Paris, there is an original receipt or quittance granted by Alexander Stuart in the year 1538, described Archer de la Garde Ecoffoise, which was under the command of the before-mentioned Robert Stuart of Aubigny; and in the same place and in the same year, there is a receipt and quittance by Jean Stuart de Galston, described Archer de la Garde Ecoffoise, aux gages du Sieur d'Aubigny, Marechal de France. This John Stuart of Galston was a near relation of Robert the Marechal, and makes it the more probable that Alexander Stuart above-mentioned as Archer de la Garde Ecoffoise was Alexander the brother of the Marechal.

It is most probable that both William and Alexander, following the fortunes of their elder brother Robert the Marechal, had perished in the wars of France; there are no traces of their having left any posterity, or even of their having ever been married.

PROOFS concerning ALAN STUART, sixth Son of JOHN first
Earl of Lennox.

Duncan Stewart, p. 153, says, that John Earl of Lennox had a son Alan, natural as he supposes, for that he is designed by the Earl "filius meus carnalis," when he gets a charter from his father of
the

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the lands of Henriestoun in Renfrewshire, confirmed under the Great Seal in 1488. But it is to be observed, that "*filius carnalis*" does not always signify a bastard or illegitimate child. The same Alan Stuart is designed simply son of John Earl of Lennox in a charter of the half of the lands of Cardonald granted in his favor by Isabella Norvell Lady of Cardonald, dated 26th July 1496; and in the charter of confirmation thereof by the Crown, 1st April 1499, Records, Book xiii. No. 616. He is also so designed in a charter from Kennedy of Drummelzier, anno 1497, of the other half of the lands of Cardonald; and in another charter in 1496, he is designed simply brother to Matthew Earl of Lennox.

This Alan married Marion Stuart, daughter of Sir William Stuart of Castelmilk, by Isabella Norvel Lady of Cardonald, and had issue John, his apparent heir, who died in the lifetime of his father Alan; which John married Agnes Stuart, daughter of Sir Thomas Stuart of Minto, and by her had an only son James, his grandfather's heir; which James was Captain of Perth for Queen Mary in 1548, and married Helen Semple, daughter of William Lord Semple, and had by her James of Cardonald, and Alan, made Abbot of Crossregnel in 1564; and three daughters, Elizabeth, married to Robert son of Alexander of Garlies, who had no issue; Margaret, married to John Stuart of Minto; and Dorothy, married to John Pollock of that ilk.

James of Cardonald having died without issue, his estate of Cardonald came to Walter, Prior of Blantyre, son of the marriage between John Stuart of Minto and Margaret Stuart, sister of James of Cardonald; and in consequence of that marriage the estate of Cardonald, which originally belonged to Isabella Norvell, the wife of Sir William Stuart of Castelmilk, came to Lord Blantyre's family.

THIRTEENTH GENERATION.

WILLIAM, the eldest Son of **MATTHEW** Earl of Lennox, married Margaret daughter to **WILLIAM** Earl of Montrose, but died in his Father's lifetime without Issue.

JOHN, second Son, who succeeded to his Father, **MATTHEW** Earl of Lennox.

PROOFS concerning **JOHN STUART**, the third Earl of Lennox.

TO **Matthew** Earl of Lennox, killed at the battle of Floudon on the 9th of September 1513, succeeded his second son **John**; the eldest son **William** having died in his father's lifetime without posterity.

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John, third Earl of Lennox, must have made up his titles to the Derneley estate, held by that family under the Prince and Stewart of Scotland, and to the Lennox estate, held by a different tenure under the King, by a special service and retour; for there is no charter in the Public Records in his favor, excepting one charter in his father's lifetime, dated 2d February 1511, where he is designed son and heir* of **Matthew** Earl of Lennox, of the barony of Torboltoun, and of the lands of Galstoun and Dregarne, united into the barony of Torboltoun, Book xviii. Nº 9.

The Record of Retours in Scotland does not go so far back as the time of **John** Earl of Lennox's succession to his father in the year

* This description of **John**, in February 1511, proves that his elder brother **William** had then died without issue.

PART 1, 13; and his special service and retour, as heir to his father Matthew, has not been found amongst the Derneley Papers; neither is
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If John Earl of Lennox made up his titles to the estates of Derneley and of Lennox, by special service and retour, as heir to his father, then it follows, that he held these lands by the same tenure, and under the same conditions and destination of succession, as they had been held by his father Matthew Earl of Lennox.

It appears that this John Earl of Lennox made up his titles to the barony of Bathgate (in West Lothian), comprehending the Inch of Bathgate, Ballencrieff, mill thereof, Bawbardies, Ethefton, Courland, and Torbaine, with the pertinents, lying within the bounds of Linlithgow; for there is amongst the papers relating to these lands, now belonging to the Earl of Hopetoun, a sasine, dated the 16th of February, on a precept furth of the chancellery, dated the 13th of February 1523, for infefting John Earl of Levenox, as heir served and retoured to Matthew Earl of Levenox his father, in the barony of Bathgate, comprehending as above.

By the precept ingrossed in this sasine, security is directed to be taken for 840*l.* Scotch, as ten years and a half duty, while the lands remained in non-entry, and 80*l.* Scotch for the relief due to the King as Stewart of Scotland.

These documents prove that both John Earl of Lennox, and his father Matthew, had made up their titles to the barony of Bathgate, an old possession of the Derneley family, held by them of the Stewart of Scotland, from whom the grant in their favor originally proceeded.

It is presumable that John Earl of Lennox had also made up his titles to the lands of Castelmilk in Annandale, and to the lands belonging to the Derneley family in the barony of Avendale in Lanarkshire, in a similar manner, by taking them up as son and heir

heir of his father Matthew, who had completed his titles to the whole of the estates belonging to him. PART
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As a symptom of John's having completed his titles to the lands in the barony of Avendale, there is a charter, dated the 20th of September 1515, by John Earl of Lennox, Lord Derneley, whereby for the singular love and favor which he had to his *beloved cousin James Stuart, son of Alexander Stuart of Castelmilk*, and to Janet Auchinleck his spouse, he gave to them, and to the longest liver of them during their lives, the Forty Shilling Land of the town of Kype of Old Extent, lying in the barony of Avendale and shire of Lanark.

And further, there is an assignation dated 3d February 1525 by John Earl of Lennox, Lord Derneley, to his *well beloved cousin James Stewart of Tweedy*, of the right of reversion of the Forty Shilling Land of Kype in the barony of Avendale.

These deeds are in the charter-room of the Duke of Hamilton, amongst the title deeds of the barony of Avendale; and they infer that John Earl of Lennox had made up his titles to the lands belonging to the Derneley family in the barony of Avendale, otherwise they would have been of no avail.

A further evidence of John Earl of Lennox having made up his titles to the lands belonging to the Derneley family held by them of subject superiors, is a precept of clare constat dated 4th November 1515, granted by James Sandielands of Calder, Knight, superior of the lands of Wytoun in the barony of Wytoun, shire of Lanark, which narrates that Matthew Earl of Lennox, father of the said John, died last vest and seised in these lands of Wytoun, and that John now Earl of Lennox is his nearest lawful heir, therefore grants warrant for his being infest therein, whereupon he was infest conform to the instrument of sasine in his favour dated the 16th of July 1515.

N. B. This instrument of sasine, which contains a verbatim copy of the precept of clare constat, is still extant among the papers at Dryden belonging to Mr. Lockhart of Lee's family.

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It proves that both Matthew Earl of Lennox and his son John had made up their titles to these lands.

In the same repository at Dryden, there is a precept of sasine dated 5th of June 1501, by Matthew Stuart Earl of Lennox, for infefting George Stuart son and heir of the deceased Thomas Stuart of Barscube, in all and sundry the said Earl's lands of Wytoun.

Instrument of sasine, 13th May 1511, in favor of Robert Stuart, son and heir of the deceased George Stuart of Barscube, in these lands, proceeding on a precept granted by the said Matthew Earl of Lennox.

The Stuarts of Barscube, in whose favor these infeftments were granted by the Earl of Lennox, were descended from Robert Stuart, one of the younger sons of Sir Alexander Stuart of Derneley, and Dame Janet Keith his wife. Sir Alexander Stuart gave these lands of Wytoun to his son Robert, and the heirs male of his body; whom failing, to his other son James, and the heirs male of his body, to be held by them of and under the Stuarts of Derneley, the elder branch of the family, as mentioned in Part Second, N° VIII. p. 98; and it affords a clear proof of the practice of the Derneley family in giving lands to a younger son to be held under the elder branch; and that in consequence thereof the succeeding representatives of the Derneley family retained the intermediate superiority by making up their titles regularly to the lands which had been given off to younger sons to be held of them, even though these lands were held by the Derneley family themselves of and under a subject superior.

This is perfectly applicable to what happened in the case of the lands of Castelmilk, originally given off to Sir William Stuart, a younger son of the said Sir Alexander Stuart, and brother of Sir John Stuart of Derneley, which lands being held by the heirs of Sir William Stuart of Castelmilk, immediately of and under the elder branch, the Stuarts of Derneley, who at the same time held them of and under the lords of Annandale, it became necessary, for the sake
of

of preserving that intermediate superiority, that the successive heirs of the Derneley family should make up their titles to the lands of Castelmilk by charters from the lords of Annandale, (and after the annexation of these lands to the crown, from the Sovereign, as come in place of the lords of Annandale,) while at the same time the charters or precepts for infeftment in favor of the Stuarts of Castelmilk, proceeded from the Stuarts of Derneley, their immediate superiors.

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Accordingly, it will appear from the whole of this Genealogical History, that this was the practice uniformly observed with regard to these lands of *Castelmilk*, in a manner precisely similar to what happened with regard to the intermediate superiority of the lands of Wyftoun above-mentioned.

During the minority of King James V. John Earl of Lennox was appointed one of the Lords of the Regency, anno 1524.

He had great favor and confidence from that Sovereign, who, indignant at the restraint under which he was kept by the Earl of Angus and the Douglasses, invited his cousin the Earl of Lennox to assemble what forces he could to rescue him from their hands.

Accordingly the Earl of Lennox, in the year 1526, raised a powerful body of men, and set forward from Stirling, marching towards Edinburgh to accomplish what he had undertaken at the King's command.

The Earl of Angus artfully engaged the Lord Hamilton, first Earl of Arran, though uncle to Lennox, to espouse his cause, and to join their forces together. The Earl of Angus availed himself also of the advantage he had by having the charge and custody of the young King, in whose name proclamations were issued requiring all men between sixty and sixteen to rise immediately, and to follow the King and the Earl of Angus to the field of battle.

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The circumstances of what then happened are thus related by Lindsay of Pitscottie in his natural manner, descriptive of characters and of events, p. 137 of his History.

“ By this the word came to the town of Edinburgh, that the
 “ Earl of Lennox was within a mile of Lithgow with three great
 “ hosts, to the number of twelve thousand men, well furnished with
 “ artillery, and was purposed to come to Edinburgh, if he were not
 “ stopt. Then George Douglas hearing this, desired the King to
 “ rise and pass forward and help his brother, to support him against
 “ his enemies, shewing him how near hand they were. But the
 “ King's Grace took little thought of the matter, and was slow in
 “ his outredding. But at last the post came from the Earl of Angus,
 “ shewing the King that both the armies were in fight of each other,
 “ and were purposed to fight; therefore prayed the King's Grace
 “ to come forward, with the town of Edinburgh, to rescue the
 “ Earl of Angus, or else he would be lost, by reason of the number
 “ of the other party.

“ Then the King caused blow his trumpets, and lap on horse, and
 “ gart ring the common bell of Edinburgh, commanding all manner
 “ of man to follow him. So he rushed out of the West port, and
 “ all the town of Edinburgh and Leith with him, to the number of
 “ three thousand men; and rode forward; but ere they came to
 “ Corstorphin, they heard the artillery shoot on both sides, like as it
 “ had been thunder. Then George Douglas cried to the King, be-
 “ seeking his Grace, for God's sake, to ride faster, that he might
 “ rescue and help his brother.

“ By this the post came, and shew the King that both the fields
 “ were joined, and foughten furiously with others, on the west side
 “ of Lithgow, two miles west the town; and that the Earl of Angus
 “ and the Earl of Glencairn were yoked together, and the Lord
 “ Hamilton's force and the Earl of Lennox were yoked in like

“ manner, and both fighting furiously. Then the King rode fast
 “ to see the manner: but incontinent there met him a post, shewing
 “ him that the Earl of Lennox-men were fled from him, and he
 “ believed that he had tint the field.

“ But then the King was very sorry, and cried on all his servants,
 “ and on all that would do for him, to ride to the field and stench
 “ slaughter; and in special, to save the Earl of Lennox, if he could
 “ apprehend him alive. With this the King’s servants and sundry
 “ gentlemen past, at the King’s command, with Andrew Wood of
 “ Largo, which was one of the King’s familiar servants, and carver
 “ to him at that time, and hasted their horse as fast as they might
 “ bear them to the field, to keep the King’s command, to save all
 “ from slaughter; and in special the Earl of Lennox, whom they
 “ found lying slayn, in the dead-throw, cruelly by Sir James Ha-
 “ milton, that tyrant, after that he was taken in the field by the
 “ Laird of Pardovan, and his weapons taken from him. In this
 “ mean time, Sir James Hamilton, that cruel murderer, gart shut
 “ him from the takers, and slew him without mercy; and so did
 “ he all that he might overtake that day in the field. There were
 “ many marked that day with this murderer; some in the chafts
 “ with his sword, and some otherwise.

“ This being done, the King’s servants came through the field,
 “ and saw the Lord Hamilton standing mourning beside the Earl of
 “ Lennox, saying, *the wisest man, the stoutest man, the hardiest man*
 “ *that ever was born in Scotland was slain that day*; and his cloke
 “ of scarlet cast upon him, and gart watch-men stand about him till
 “ the King’s servants came and buried him*.”

Thus

* The person above described by Lindsay as lamenting over the dead body of the Earl of Lennox, was the Lord Hamilton, Earl of Arran, then at the head of the Hamilton family. The Earl of Lennox was nearly related to him, being the son of the Earl of Arran’s sister; and besides that tie of relationship, was in great esteem by the Earl of Arran, who, however, had been artfully seduced by the Earl of Angus to take

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Sept. 4, 1526.

Thus fell John Earl of Lennox, one of the most amiable characters of the age in which he lived, and the most generally beloved.

John Earl of Lennox married Ann, daughter of John Stuart, Earl of Athol, by whom he had three sons and one daughter :

1. Matthew, his eldest son and heir.
2. Robert Stuart, Bishop of Caithness, afterwards Earl of Lennox, and thereafter Earl of March.
3. John Lord d'Aubigny, captain of the Scotch Gens d'Armes in France, and governor of Avignon, whose posterity became Dukes of Lennox.

One daughter, Helen, married first to William Earl of Errol, and afterwards to John Earl of Sutherland.

take part against his kinsman in that battle near Linlithgow, which proved fatal to him on the 4th of September 1526.

Sir James Hamilton, to whom Lindsay imputes the murder of John Earl of Lennox in the field of battle, after he had been taken prisoner by Hamilton of Pardovan, was a bastard son of the Earl of Arran's.

There is still extant in the charter-room at Hamilton, a ratification by King James V. of a release granted by Matthew Earl of Lennox, son of the said John Earl of Lennox, to James the second Earl of Arran, and to his friends, kindred, and followers for the slaughter of the said John Earl of Lennox, who was defeated and slain at Canatby bridge by my Lord Arran's father, on certain conditions, one of which was, that Sir James Hamilton of Fynnart, as tutor to this Earl of Arran, and for his own share in that slaughter, should perform the three great pilgrimages of Scotland, and sustain six priests for seven years for the soul of him who was slain.

FOURTEENTH GENERATION.

1. MATTHEW, fourth Earl of Lennox.
2. ROBERT, Bishop of Caithness.
3. JOHN, Lord d'Aubigny.

PROOFS concerning MATTHEW fourth Earl of Lennox, the
eldest Son of JOHN.

MATTHEW Earl of Lennox succeeded to his father John in September 1526. The early part of his life he past in the service of the Crown of France in the wars in Italy where he served with gallantry and distinction, and was in great favor at the French court. It was after the death of King James V. who died in the year 1542, that he returned to Scotland, in the reign of Mary the infant Queen of Scots*.

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As John the third Earl of Lennox had established in his person, as heir to his father Matthew the second Earl, the feudal titles to the Derneley estate held of the Prince of Scotland, to the Lennox estate held of the Crown, and to the lands held by the Derneley family of and under subject superiors, so it is presumable, that the method taken by Matthew fourth Earl of Lennox, in making up his titles to these several lands and estates, was by special service and retour, as heir to his father John Earl of Lennox.

* In the rolls of the Scottish parliament, Lennox is marked as one of the peers present in the parliament of 26th April 1531, and 17th May 1532; therefore it must have been after that period that Matthew Earl of Lennox went to France to engage in the wars of that country; unless it be supposed that he had been in France before 1531, and had come over to Scotland in the years 1531 and 1532 for his own private affairs, after his father's death in 1526. There is no mention of the Earl of Lennox as present in any of the parliaments after 1532.

But

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But as the Record of Retours in Scotland does not go so far back as that period, there are no traces to be found in the Scottish Records of the manner in which this Matthew made up his titles to the Derneley and Lennox estates. The original service and retour, and the infeftments following thereon, have perished or been mislaid, at least they are not now to be found amongst the Derneley papers in the Duke of Montrose's possession.

There are no charters in the Public Records in Scotland in favor of this Matthew fourth Earl of Lennox, which makes it the more probable that his titles must have been made up, not by charter and sasine, but by special service and retour, as heir to his father John Earl of Lennox, who had died last vest and seised in the various lands and estates belonging to the Derneley family.

It was in times of great difficulty, when Scotland was agitated by great factions among the Nobles during Queen Mary's minority, that this Earl of Lennox was invited to come from France to Scotland. The account given by George Crawford in his History of the Stuarts is, "That upon the death of King James V. Matthew Earl of Lennox was sent for to France, and cajoled with hopes of marrying the Queen-dowager, to support her against the factions of the Nobility at home; but was afterwards accused by the Queen and Cardinal Beaton as too much favoring Queen Mary's marriage with Edward Prince of Wales, King Henry the VIIIth of England's son; which obliged him to make an apology for himself to the French King; and after a disadvantageous rencounter with the Earl of Arran, then governor of Scotland, at the city of Glasgow, in the year 1545, his estate was forfeited, and he fled into England, where he was honorably entertained by King Henry VIII. who bestowed upon him in marriage his niece, the Lady Margaret Douglas, only daughter of Archibald Earl of Angus, by Margaret eldest daughter of King Henry VII. of England, and Dowager of James IV. of Scotland; by whom he

" had

"had two sons, Henry Lord Derneley, and Charles afterwards
"Earl of Lennox."

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The account given by Lindsay of Pittscottie, in his History, p. 181, 182, is, that Cardinal Beaton had by secret messages prevailed upon the Earl of Lennox to come home from France, promising to him the marriage of the Queen-mother, and governorship of the realm in place of the Earl of Arran.

That the Cardinal received the Earl of Lennox with many flattering words, but deceived him; for subsequent to his invitation to the Earl of Lennox to come home to Scotland, he (the Cardinal) had made up all his differences with his kinsman the Earl of Arran, governor of Scotland, and only thought how to get rid of the Earl of Lennox with credit.

Then Lindsay mentions a rivalry between the Earl of Bothwell and the Earl of Lennox for the favour of the Queen-mother, and for the honor of being her husband, and takes occasion to give the following description of the two rivals:

"These two Earls daily frequented the Court, striving in magnificence of dress and in all courtly games, the one to exceed the other, especially in the Queen's sight; but the Earl of Lennox being well bred in the wars in France, surpassed the other both in ability of body and dexterity of exercise. He was of a strong body, well proportionate, of a sweet and manly visage, straight in stature, and pleasant in behaviour. Bothwell was fair and whitely, something hanging shouldered, and going forward, but of a gentle and humane countenance. These two being fed with fair words for a time, at length the Earl of Bothwell, having spent very much, was forced to return."

Lindsay relates that the governor, the Earl of Arran, instigated by Cardinal Beaton and the Queen-mother, raised an army and besieged the castle of Glasgow, defended by some friends of the Earl of Lennox's. That upon the 8th of March 1544, the Go-

PART vernor came to Glasgow with 12,000 men, bringing cannon and
 V.
 N^o XIV. artillery from Edinburgh; that the siege lasted ten days; that the governor practised with the keepers of the castle to yield it, promising great rewards to them and all that were with them.

That the keepers were John and William Stuarts, sons of the Abbot of Dryburgh, who, knowing of no relief, were glad of the offer, and yielded the castle to the governor.

That these two brothers were imprisoned during the governor's pleasure, and all the rest were immediately hanged.

That the Earl of Lennox himself being summoned was put to the horn for non-compearance, and thereafter forfeaulted; so that he, seeing no refuge in Scotland, shortly thereafter retired into England, where he was kindly entertained by King Henry, &c.

That in the next parliament the Earl of Lennox's whole vassals and followers were forfeaulted; for whose compositions the governor, the Earl of Arran, obtained great sums of money, howbeit he lost their hearts by his extreme rigour.

Upon the forfeiture of Matthew Earl of Lennox, which took place in the year 1544 or 1545, his various estates were granted by the crown, or by the governor acting for the crown, to several different persons, particularly to the Earls of Argyll and Montrose, Lord Semple, Johnston of Johnston, &c. The charters granted in favor of these different persons specify the lands given to each, and that they had formerly pertained to Matthew Earl of Lennox.

As the lands of Castelmilk in Annandale made part of the estates belonging to the Derneley and Lennox family, so it appears that upon the forfeiture of Matthew Earl of Lennox, the superiority of the lands of Castelmilk in Annandale belonging to him, were by a precept under Queen Mary's Privy Seal, dated 28th October 1546, granted to John Johnston of that ilk.

And

And further there is in the Public Records, Book xxxi. N° 68, a charter dated 15th April 1550, by which the lands of Castelmilk were granted to the said John Johnston de eodem; and the charter recites that they had formerly belonged to Matthew Earl of Lennox, and had devolved to the Crown by his forfeiture. Upon which charter the said John Johnston was infeft on the 28th of April 1550.

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N° XIV.

The terms of the above charter from the crown shew that Matthew Earl of Lennox was at that time the last vassal received by the Crown for these lands of Castelmilk; and consequently proves that he had made up his titles to them, though the title deeds themselves do not now appear.

The sentence of forfeiture against Matthew Earl of Lennox was rescinded by act of parliament in the year 1564; which probably had the effect of annulling the said grant to John Johnston of Johnston, and of restoring to Matthew Earl of Lennox and his family, the superiority of the said lands of Castelmilk.

Matthew Earl of Lennox lived at the court of England till the year 1564, when he was called home by Queen Mary; his forfeiture was rescinded in December that year, and he was publicly restored to the honors and estates of his ancestors, after he had been banished near twenty years.

On his return to Scotland he did not meddle in public affairs until the murder of his son Lord Derneley, when he prosecuted the Earl of Bothwell as guilty thereof.

He lived retired till the death of the Earl of Murray, Regent, and was on the 11th of July 1570 elected Regent during the minority of King James VI. of Scotland, his grandson.

In the year 1571, he called a parliament to meet at Stirling, where he was surprised and barbarously murdered in a scuffle by a

PART V.
N° XIV. Captain Calder, on the 4th of September 1571, and was interred in the chapel of the castle of Stirling *.

Of the marriage between Matthew Earl of Lennox and Lady Margaret Douglas, niece of Henry VIII. there were four sons and four daughters ; but none of the sons came to age excepting two :

1. Henry Lord Derneley, who married Queen Mary, and died on the 9th of February 1567.
2. Charles, who afterwards became Earl of Lennox.

Concerning ROBERT STUART, Bishop of Caithness, second Son of JOHN third Earl of Lennox.

The account given by Crawford in his Peerage, p. 309, of this Robert Stuart, under the title of Earl of March, is as follows :

“ Robert Stuart, Earl of March, was the second son of John Earl
“ of Lennox, by Anne his wife, daughter of John Earl of Athole ;
“ who being educated suitable to his noble birth, with a view to the
“ service of the church, the first step he made into it was to be
“ provost of the collegiate church of Dumbarton ; and after that he
“ was preferred to the episcopal see of Caithness, anno 1542, but
“ while he was only elect, taking part with his brother the Earl
“ of Lennox, against the Earl of Arran, the governor in Queen
“ Mary’s minority, he was deprived of his bishopric, and lived in

* Upon the death of Matthew Earl of Lennox the following epitaph was composed by George Buchanan :

Regis avus, Regis pater, alto e sanguine Regum
Imperio quorum terra Britannia subest,
Matthæus : genuit Levinia, Gallia fovit,
Pulso Anglus thalamum, remque decusque dedit.
Cœpi invicta manu, famam virtute refelli,
Arma armis vici, consilioque dolos.
Gratus in ingratos, patriam justeque pieque
Cum regerem, hostili perfidia cecidi,
Care Nepos, spes una domus, meliore senectam
Attingas fato, cætera dignus avo.

" exile upwards of twenty years till the 1563, he was again re-
 " stored, at least to the profits of the fee; and complying with the
 " reformation of religion, he had for his share of the riches of the
 " church the priory of St. Andrew's given him from the Crown.
 " In the 1576, the honor of Earl of Lennox devolved upon him by
 " the death of Charles Earl of Lennox his nephew; but having
 " no male issue of his body, he resigned the honor to his great
 " nephew, Esme Lord d'Aubigny, and in place thereof was made
 " Earl of March in the year 1579; after which he lived privately
 " at St. Andrew's, where he spent his old age in a studious and re-
 " tired manner happily free from any faction, till the 29th of
 " March 1586 death brought his life to a period in the 70th year
 " of his age."

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N° XIV.

The account thus given by Crawford concerning Robert Stuart's
 having enjoyed first the earldom of Lennox anno 1576, and after-
 wards the earldom of March anno 1579, is confirmed by charters
 on record, as will be herein-afterwards noticed under N° XVI.

Concerning JOHN STUART Lord d'Aubigny, third Son of
 JOHN third Earl of Lennox.

This John Stuart is mentioned in the Records kept in the Chambre
 des Comptes at Paris, vol. ii. cotté 4914, as having performed foy
 and homage for the lands of Aubigny in the province of Berry,
 upon the 14th of July 1560.

He was captain of the Scotch Gens d'Armes in France, and go-
 vernor of Avignon.

He was succeeded in the lordship of Aubigny in France by his
 son Esme Stuart, who, on his coming over from France to Scotland
 in 1579, was, upon the resignation of his uncle Robert Stuart Earl
 of Lennox, created Earl of Lennox, and thereafter Duke of Lennox,
 as will be shewn in the next Generation, N° XV.

FIFTEENTH GENERATION.

HENRY Lord Derneley, eldest Son of MATTHEW fourth Earl of Lennox.

CHARLES STUART, youngest Son of MATTHEW fourth Earl of Lennox.

ESME STUART D'AUBIGNY, only Son of JOHN STUART of Aubigny, Brother of MATTHEW fourth Earl of Lennox.

PROOFS concerning HENRY Lord Derneley, the eldest Son of MATTHEW Earl of Lennox.

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N° XV.

HENRY Lord Derneley, born in England during the time of his father's residence at the court of Henry VIII. whose niece he had married, came to Scotland in the year 1565, soon after his father had been invited by Queen Mary to return to his native country*.

Henry Lord Derneley had not been above six months in Scotland, when his marriage to Mary, the young and beautiful Queen of Scots, was settled. She was then in the twenty-third year of her age; and Henry Lord Derneley had not attained the age of twenty years complete.

* There is in the Record of Charters under the Great Seal at Edinburgh, a charter dated 18th February 1565, in favor of Matthew Earl of Lennox of Gargannochan and Ballaigan in Dumbartonshire, B. 32, N° 272. This charter must have been subsequent to the Earl of Lennox's return to Scotland, and subsequent to the rescinding of his forfeiture.

Upon

Upon the 15th of May 1565, Henry Stuart, eldest son of Matthew Earl of Lennox, was first made Knight; then he was made Baron Banneret, and nominated Lord Armannock and Lord of Parliament; then Earl of Rosse; and on the 22d of July 1565, he was created Duke of Albany.

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These particulars appear from what passed in the year 1606, when the titles of various Scotch peerages were produced to the Commissioners authorised by commission from King James VI. to settle the precedence of the Scotch Peers.

The marriage of Lord Derneley with Mary Queen of Scots took place on the 29th day of July 1565; and on the 15th of June 1566, the Queen was delivered of a son, King James VI. of Scotland, the first monarch of the united Crowns of England and Scotland.

Henry Lord Derneley, the husband of Queen Mary, and the presumptive heir of Matthew Earl of Lennox, was barbarously murdered at Edinburgh in his own lodgings when in bed, on the 9th of February 1567.

Having thus pre-deceased his father Matthew Earl of Lennox, who lived till the 4th of September 1571, neither the estate or titles of Lennox were ever enjoyed by Henry Lord Derneley.

Concerning CHARLES STUART, second Son of MATTHEW fourth Earl of Lennox, and Brother of HENRY Lord Derneley.

Charles Stuart, the younger brother of Henry Lord Derneley, married Elizabeth daughter of Sir William Cavendish, sister to the Earl of Devonshire, by whom he had only one child, Lady Arabella Stuart, who married William Marquis of Hartford; but had no issue. He died in the twenty-first year of his age at London in the year 1576,

PART 1576, as appears from the inscription * upon his mother's monu-
V. ment in Henry the Seventh's Chapel in Westminster Abbey.
N° XV.

This Charles Stuart received in the year 1572 from his nephew King James VI. charters of the earldom of Lennox and various other lands, dated 18th April 1572, and became Earl of Lennox, as will be more particularly stated under N° XVI.

Concerning **ESME STUART** of Aubigny, only Son of **JOHN STUART** of Aubigny, Brother of **MATTHEW** the fourth Earl of Lennox.

Esme Stuart d'Aubigny, who had been educated in France, was after the death of the said Charles Earl of Lennox, brother of Lord Derneley, sent for by King James, and came to Scotland in the year 1579. He was received with great favor and confidence; many honors and grants of land were conferred upon him by his Majesty, particularly the dukedom of Lennox in the year 1581, as will be more particularly stated under N° XVI.

* Hic situs est Carolus Comes Lennoxiae, qui duxit filiam Willielmi Cavendish Militis, ex qua cum Arabellam unicam filiam suscepisset dum obiit anno ætatis suæ 21, et salutis humanæ 1576. (Crawford's Peerage, p. 261.)

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART SIXTH.

Beginning from the death of MATTHEW fourth Earl of Lennox on the 4th of September 1571, and continued to the year 1672, when, upon the death of CHARLES STUART sixth Duke of Lennox, King CHARLES II. succeeded as the nearest collateral heir male of the Stuarts Earls and Dukes of Lennox.

SIXTEENTH GENERATION.

1. KING JAMES VI. of Scotland, only Son of HENRY Lord Derneley, and Grandson of MATTHEW the fourth Earl of Lennox.
2. LUDOVIC, Duke of Lennox, eldest Son of ESME, Duke of Lennox and Grandson of JOHN STUART the Brother of MATTHEW fourth Earl of Lennox.
3. ESME STUART of Aubigny, second Son of the said ESME Duke of Lennox.

PROOFS concerning KING JAMES VI. of Scotland, only Son of HENRY Lord Derneley.

UPON the death of Matthew fourth Earl of Lennox, on the 4th of September 1571, his grandson King James VI. of Scotland, was the heir male of the Stuarts of Derneley and Lennox, and

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N^o XVI.

and as such became entitled in right of blood to the estates and honours of that family; but King James did not take the benefit of that right of succession for his own use. The steps taken by his Majesty for preventing these estates and honours from being absorbed in the rights of the Crown, for continuing them to the next collateral heirs male, and for securing the representation of the Derneley family in the male line, shall now be stated, from the charters and other authentic instruments on record.

There are in the Public Records in Scotland four several royal charters, dated 18th April 1572, for the purpose of conveying to Charles Stuart, second son of Matthew fourth Earl of Lennox, and younger brother of Henry Lord Derneley, and to his heirs male, the earldom of Lennox, and various other lands which had belonged to his ancestors the Lords Derneley and Earls of Lennox.

One of these charters is a grant of the barony of Torboltoun in the shire of Air. Book xxxiii. No. 106.

The second charter is of the earldom of Lennox, lordship and lands thereof, and of the office of Sheriff of Dumbarton. Book xxxiii. No. 108.

The third is of the lands of Ballincrieff, Balbardy, and others in the county of Linlithgow, which being lands held by the Prince, were by annexation, reckoned to belong to the county of Renfrew.

The fourth was of the lands of Gargonock, Barlagin, and others, in the counties of Stirling and Dumbarton.

This Charles Stuart, who thus became the fifth Earl of Lennox, married Lady Elizabeth Cavendish, sister to the Earl of Devonshire, by whom he had only one child, Lady Arabella Stuart. And as in terms of the limitations to heirs male she could not succeed to the honors and estates of the Lennox family, these reverted to King James upon the death of his uncle Charles Stuart in the year 1576.

Upon the death of Charles Stuart fifth Earl of Lennox, King James, by a royal charter, dated 16th June 1578, Book xxxv. No. 8.

granted

granted the earldom of Lennox, the barony of Torboltoun, the lands of Cruickisfee, Derneley, and others in the shires of Renfrew, Air, Dumbarton, and Stirling, to Robert Stuart Bishop of Caithness, who was grand uncle to his Majesty, having been the immediate younger brother of Matthew the fourth Earl of Lennox, as stated in Part V. No. XIV.

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The charter thus granted contains the Earl's creation, and by it the earldom of Lennox is limited to Robert and the heirs male of his body.

It appears that within a few years after the date of this grant, Robert Earl of Lennox accepted of the earldom of March and lordship of Dunbar, in lieu of the earldom of Lennox; so as that his Majesty might be at liberty to bestow the lands and honours of the earldom of Lennox upon Esme Stuart Lord d'Aubigny, the son and heir of John Lord d'Aubigny, who was the youngest brother of the King's grandfather Matthew Earl of Lennox. In confirmation of which arrangement there is in the Public Records (Book xxxv. No. 655.) a charter dated 15th October 1582, of the earldom of March and lordship of Dunbar in favor of the said Robert Stuart, containing a new erection of these lands into an earldom, and creating him Earl of March.

It is to be observed that, during the period while this Robert Stuart was Earl of Lennox, he appears to have made up his titles to other lands which belonged in superiority to the Derneley family, and which had been held by them originally under subject superiors; particularly this must have been the case with regard to the Forty Merk Lands of Castelmilk in Annandale, held by the Stuarts of Derneley under the Lords of Annandale; for there is positive evidence, that this Robert Stuart Earl of Lennox, as Superior of the lands of Castelmilk, granted the following feudal investiture of these lands in favour of Archibald Stuart of Castelmilk; to wit:

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VI.N^o XVI.

Precept of clare constat, dated 2d November 1579, granted by Robert Stuart Earl of Lennox Lord Derneley, as Superior of the lands of Castelmilk in Annandale, in favor of Archibald Stuart for infesting him in the lands of Castelmilk and Bromhill in the Stewartry of Annandale, as nearest and lawful heir to his grandfather Archibald Stuart, to be held Ward of the Earl of Lennox.

N.B. In this deed granted by the Earl of Lennox he describes Archibald Stuart of Castelmilk as his beloved cousin: the words are, "*Consanguineus noster dilectus.*"

Charter of novodamus, by Robert Earl of Lennox as Superior of the lands of Castelmilk, in favor of the said Archibald Stuart, granting to him *de novo* the said lands of Castelmilk and Bromhill, dated 13th November 1579.

Archibald Stuart was infest on the precept of clare constat on 9th November 1579; and was infest upon the charter of novodamus on the 2d of February 1579-80.

The deeds thus granted in favor of the Stuarts of Castelmilk, which are still extant in the possession of the Castelmilk family, prove, that Robert Earl of Lennox, the granter of these deeds, must have made up his titles to the Superiority of these lands of Castelmilk, for otherwise he could not have granted to them a valid and effectual charter and infestment; and there is the more reason to be convinced of this from the circumstances of the Castelmilk estate at that time; for upon the 27th of November 1578, a contract had been entered into between John Lord Maxwell and the said Archibald Stuart of Castelmilk, by which he became bound, for valuable considerations, to dispoise to John Lord Maxwell, all the lands of Castelmilk which in any time bygone had pertained to the said Archibald Stuart and his predecessors, excepting the Ten Merk Lands of Bromhill and Todlemuir. And in that contract there was a clause particularly obliging the said Archibald Stuart to obtain
from

from the Earl of Lennox, Superior of the lands of Castelmilk, a sufficient charter of confirmation under his subscription and seal. It was in consequence of that contract, that Archibald Stuart, in the year 1579, obtained from Robert Earl of Lennox the precept of clare constat and charter of novodamus above-mentioned. And as by the sale of the lands of Castelmilk which then took place in favor of John Lord Maxwell, there were two parties interested in the validity of the feudal titles at that time established in the person of Archibald Stuart of Castelmilk, there can be no doubt that they were satisfied of the validity of the precept and charter granted by Robert Earl of Lennox as Superior of the lands of Castelmilk; which necessarily implies that he had made up his titles in a feudal manner to the Superiority of the lands of Castelmilk, which had from time immemorial belonged to the Derneley family*.

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Robert

* In the preceding Parts of this Genealogical History it has been shewn, that the first Sir John Stuart of Derneley, who died in the year 1429, made up his titles to these lands of Castelmilk; that his grandson John, the first Lord Derneley, had made up his titles to these same lands about the year 1468; and that Matthew Stuart, second Lord Derneley and Earl of Lennox, had made up his titles to them in the year 1496. It does not appear at what time John third Earl of Lennox, son of that Matthew, nor at what time Matthew the fourth Earl of Lennox, had made up their titles to the lands of Castelmilk; but there are circumstances which leave no room to doubt that they did make up their titles to them; to wit:

With regard to John third Earl of Lennox, who succeeded to his father Matthew in September 1513, and died on 4th September 1526, it has been shewn that he had carefully completed his titles to the Derneley and Lennox estates held by him either under the Crown or the Prince of Scotland, and likewise his titles to the various lands or intermediate superiorities held by him under subject superiors; which makes it very highly probable, that he must also have completed his titles to the lands or intermediate superiority of Castelmilk, in the same manner that his father Matthew had done.

The precept of clare constat before-mentioned granted by Robert Stuart Earl of Lennox, upon 2d November 1579, in favor of Archibald Stuart, of the lands of Castelmilk, as nearest and lawful heir in these lands to his grandfather Archibald Stuart, proves that Archibald Stuart the grandfather must have made up his titles to these lands by a feudal investiture from his Superior in them, the Earl of Lennox.

Archibald

Robert Stuart Earl of Lennox above-mentioned, died in the year 1586, without leaving heirs male of his body.

Archibald Stuart, the grandfather of Archibald, who received the precept of clare from Robert Earl of Lennox in the year 1579, was a married man in the year 1528, there being a charter in favor of him and his wife Margaret Maxwell, of the lands of Ravenscraig in Renfrewshire; at which time he was not designed of Castelmilk; but in the month of November 1533, in a contract between him and John Johnston of Johnston, subscribed by both parties, his subscription was in these words: "Archibald Stuart, younger, *Laird of Castelmilk*."

And in a tack and affedation, dated in April 1541, this Archibald Stuart and Margaret Maxwell his wife, let the lands of Castelmilk in favor of Robert Lord Maxwell, for payment of a certain rent. Therefore it is clear, that this Archibald Stuart the husband of Margaret Maxwell, was proprietor of the lands of Castelmilk even during the lifetime of his father Archibald, who did not die till after the year 1541.

It must have been at some period between the year 1528 and 1541, that Archibald Stuart the husband of Margaret Maxwell made up his titles to the Castelmilk estate; which could only be by charter or precept for infeftment from the Earl of Lennox his Superior. And as John Earl of Lennox had died in the year 1526, and was succeeded by his son Matthew fourth Earl of Lennox, who lived till the year 1571; it must have been from this Matthew Earl of Lennox, or from Commissioners acting for him, that Archibald Stuart received his feudal investiture of the lands of Castelmilk; and it must have been before the year 1545, for at that time the estates of Matthew Earl of Lennox were forfeited, and he fled into England, where he remained near twenty years.

What confirms the belief that it must have been Matthew the fourth Earl of Lennox who granted the feudal title to the lands of Castelmilk to Archibald Stuart, the husband of Margaret Maxwell, and the grandfather of that Archibald Stuart who received the precept of clare from Robert Earl of Lennox in 1579, is this circumstance; that there is clear evidence that Matthew fourth Earl of Lennox had made up his titles to the Superiority of the lands of Castelmilk; for there is in the Records of Scotland a precept, under Queen Mary's Privy Seal, dated 28th October 1546, whereby she granted to John Johnston of that ilk, the superiority of all and hail the lands of Castelmilk, which had pertained to Matthew Earl of Lennox, and had been forfeited by the process of treason led against him.

And further there is in the Public Records, Book xxxi. No. 68. a charter dated 15th April 1550, by which the lands of Castelmilk were granted to the said John Johnston de eodem; and the charter recites, that they had formerly belonged to Matthew Earl of Lennox, and had devolved to the Crown by his forfeiture. Upon which charter the said John Johnston was infeft on the 28th of April 1550.

The sentence of forfeiture against Matthew Earl of Lennox was rescinded in the year 1564; which probably had the effect of annulling the said grant to John Johnston

PROOFS concerning ESME STUART Earl of Lennox, Son of
JOHN Lord d'Aubigny, the youngest Brother of MATTHEW
fourth Earl of Lennox.

In consequence of the arrangement before-mentioned made be-
tween King James VI. and Robert Stuart Earl of Lennox, Esme
Stuart, who had been educated in France, was sent for by King
James. And having arrived in Scotland in the year 1579, he was
most graciously received by his Sovereign, who conferred upon
him many honors and grants of Lands, and particularly the lands
composing the earldom of Lennox.

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In the Records of the Privy Council of Scotland kept in the
Justiciary Office at Edinburgh, there is the following entry respect-
ing the Earldom of Lennox, and the erection of it into a Dukedom.

“ Apud Dalkeith quinto die mensis Augusti, anno Dm. j^m v^c lxxxj^o.

“ The King's Majestie, calling to remembrance how the erl-
“ dome of Lennox, lordschip of Derneley, and barony of Torbolton,
“ (being the ancient heritage of the Erles of Lennox of quhom
“ his Majestie is descendit,) succedit unto his hienes, be the death of
“ umqll the King, his hienes dearest father, and of his Majestie's
“ guidfyr Matthew Erle of Lennox, Regent to his hienes, his

Johnston of Johnston, and of restoring to Matthew Earl of Lennox and his family
the Superiority of the lands of Castelmilk.

Thus the uniform and continued practice of the Derneley and Lennox family to
make up their titles to the lands of Castelmilk in Annandale, or at least to the Supe-
riority thereof, has been traced through all the successive Generations from the first
Sir John Stuart of Derneley, who died in 1429, to the death of Matthew fourth
Earl of Lennox in 1571; and King James VI. as grandson of that Earl of Lennox,
succeeded to the Superiority of the lands of Castelmilk, as well as to the other
estates which had belonged to his grandfather.

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" realme, and lieges for the tyme, and after disposition maid be
 " his hienes of new of the saides erldome, lordschip, and barony,
 " to his Majestie's father's brother Charles likewyse Erll of Lennox,
 " throw default of airis maill in his person; and be virtew of his
 " Majestie's revocation, the same erldome, lordschip, and barony,
 " returning again to his hienes, his dearest and only great uncle
 " Robert Erl of March, (quha wes alsuo infest in the saides erldome,
 " lordschip, and barony,) zielding his place, *his Majestie having still*
 " *ane earnest desire of the standing of the said hous of Lennox in the*
 " *possestioun of his next coufinges maill of the same hous and blude;*
 " thairfore gaif and disponit heretable to his dearest coufinge Esme
 " Erll of Lennox, Lord Derneley, Aubigny, and Dalkeith, Great
 " Chamberlain of this realme, and his airis, the said erldome of
 " Lennox, lordschip of Derneley, and barony of Torbolton, with
 " the honours, richts, and privileges perteining theirto, quha movit
 " of great and singular affection toward his Majestie, come furth
 " of the realme of France, his native countrie, to serve and attend
 " upon his Majestie, and to brouke the title and occupie the hous
 " and leiving quhairof he is descendit, and quhairunto it hes pleisit his
 " Majestie to advance and promouve him, having sparit na panes, per-
 " rilles, nor charges in that qlk micht further his Majestie's auctie and
 " service, and now his Majestie having zet a desire to favour and
 " advance the hous quhairof his Majestie on the part of his said
 " dearest father is descendit for the memorie of his noble and
 " worthie progenitors of the stok and familie, and for the guide
 " and worthie deserving of the said pnt Erll of Lennox his dearest
 " coufing towards his Majestie, and for utheris reasonable causses
 " and confiderationes moving his hienes thairto, hes thairfore maid,
 " creat, erect, and incorporat the said erldome of Lennox in ane
 " haill and fre dukerie, to be callit the Dukerie of Lennox in tyme
 " cuming; and the said lordschip of Derneley in ane haill and fre
 " erldome,

" erldome, to be called the Erldome of Derneley in tyme cuming;
 " and the said barony of Torbolton in ane haill and fre lordship,
 " to be callit the Lordschip of Torbolton in tyme cuming, without
 " prejudice of the union, annexation, and utheris privileges grantet
 " in the infestment maid thairupon of befoir; and als hes maid,
 " constitute, remit, and ordainit in tyme cuming, his said dearest
 " cousing Esme Duke of Lennox, Erll of Derneley, Lord of Au-
 " bignie, Torbolton, and Dalkeith, with all honours, dignities,
 " richts, rents, privileges, profits, commodities, and dewties belangand
 " thairto, to be broukit, jouisit, usit, occupit, and possesst be him,
 " sicklike and als freliee in all respects and conditions as ony
 " utheris hes broukit the title, richt, and possessioun of quhatsumevir
 " dukerie, erldome, lordschip, or baronie within this realme in
 " tyme bygane; and that lres be direct to make publication heirof
 " be opin procalmatioun at the Mercat Croce of Edinburgh, and
 " utheris places neidful, charging all and fundrie Erlls, Lordes,
 " Barones, and utheris his Heines subjects, to acknowledge and
 " reverence his said dearest cousing according to the stile, place,
 " and titles befoir specifit, ordaining him to be investit yairin with
 " all solempnities requisite."

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From the recital in the above deed it appears that, prior to the 5th August 1581, the King had disponded heretably to his cousin Esme Stuart, Earl of Lennox, Lord Derneley, Aubigny, and Dalkeith, and his heirs, the earldom of Lennox, lordship of Derneley, and barony of Torbolton, with the honours, rights, and privileges pertaining thereto.

That first grant of the earldom of Lennox to Esme Stuart remains yet to be discovered.

It seems most probable that the destination must have been in favor of heirs male; for though in the narrative of the above paper

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it is said that the King had given and disposed the earldom of Lennox and lordship of Derneley, &c. to Esme Earl of Lennox and *his heirs*, yet this phrase must have implied heirs male, for in the sentence immediately preceding, the King had expressed his motive for the grant in these words: "An earnest desire of the standing of the House of Lennox in the possession of his next *cousins male* of the same house and blood."

In the erection of the lands into a dukedom, and in the promotion of Esme Earl of Lennox to the rank of Duke, it is not specified to what heirs the dukedom was to go; but certainly it was not intended to limit it to Esme Duke of Lennox personally: therefore the destination of the peerage of dukedom must be gathered from the destination of the lands composing that dukedom.

In the minutes of what passed in the year 1606, when the titles of various Scots peerages were produced to the Commissioners appointed by King James VI. to settle the precedence of the Scots Peers, there is an article in these words:

" DUCK LENNOX."

" The 29th October 1581, Ihone (by mistake, in place of Esme) Stewart was first created Knight of Creuxstone, then Lord Aubigni, Lord of Torboltoun, Lord of Dalkeith, Lord of Aberdour, and Baronne Banneret, Lord of our Sovereign Lords Parliament, Earl of Darnly, and Duck of Lennox, and Great Chamberlain of Scotland."

In the decree of ranking of the Scotch nobility, the Commissioners appointed to regulate the precedence of the Peers, gave their judgment that the first place belonged to the Duke of Lennox.

There are in the Public Records in Scotland the three following charters from the Crown in favor of Esme Stuart, the two first of which

which are granted to him while Earl of Lennox, before the earldom had been erected or converted into a dukedom*.

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Charter, dated 31st December 1580, in favor of Esme Earl of Lennox, of the dominical lands of Inchennan, Letter, Rowilbeg, and Stuckendaff, the fishings of Ballock, &c. in the counties of Renfrew and Dumbarton, Book v. No. 308.

The above charter is granted to Esme Earl of Lennox, "hære-
"dibus suis et assignates;" and proceeds on the resignation of James

* In the Books of Privy Council of Scotland, now kept in the office of the Court of Justiciary at Edinburgh, there is "an inventory of the writs and evidents received
"by my Lord d'Aubigny from my Lady Levenox, (wife of Robert Earl of Lennox,)
"at Holyrood-house, the 8th day of January 1579-80, in presence of my Lords
"Ochiltree, my Lord of Newbottle, Mr. Robert and Mr. David M'Gill."

There are three pages of this inventory inserted in the Books of Council, and on the third page there is the following receipt by Esme Stuart, Lord d'Aubigny, in the French language, whence it is presumable that the English or Scottish language was not familiar to him:

"Je reconnois avoir reçu par les mains de Madame de Lennox, tous les papiers
"contenus en ce present inventaire, en testimonie de quoi je signe la presente de
"ma main en l'Abbaye de Holyrood-house, le xii^{me} jour du mois de Janvier 1579.

"ESME STUART."

After which follows a discharge by King James VI. in these words:

"We by the tenour hereof, with advice and consent of our Secret Council, grant
"us to have received from our right trusty — Dame Elizabeth Stuart, Countess
"of Lennox, for herself, and in name and behoof of our dearest and only grand-uncle
"Robert Earl of Lennox, Lord Derneley, her spouse, the reversions, writs, and
"other evidents before written, which were delivered by her at our command, to
"our right trusty cousin Esme Stuart, Lord Obigny, concerning the livery and lord-
"ships of the earldom of Lennox and other lands pertaining thereto, as the same are
"mentioned and written in the inventory before written, and therefore we discharge,
"&c. and ordain these presents to be registrated in the books of our Secret Council
"ad perpetuum rei memoriam by these presents, subscribed with our hand at the
"Palace of Holyrood-house, the 8th day of February 1579."

The writing specified in the inventory are mostly reversions of parts of the lordship of Lennox.

The two last articles in it are,

"An inventory betwixt my Lord of Lennox and the Lord Cathcart.

"Another inventory of writs pertaining to my Lord of Lennox."

PART VI. Stuart of Cardonald, who had apprised these lands from Matthew Earl of Lennox, and thereupon had obtained from the Crown a charter of confirmation of his right.
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Charter to Esme Earl of Lennox, dated 5th June 1581, of the lordship and regality of Dalkeith, &c. united of new into a lordship and regality, Book xxxv. No. 134.

Charter, dated 13th December 1581, (Book xxxv. No. 508.) in favour of Esme Duke of Lennox, of the earldom and lordship of Lennox, &c. lordship and regality of Dalkeith, Aberdour, &c. united into the dukedom of Lennox, in the counties of Dumbarton, Renfrew, Air, Bathgate, Linlithgow, Stirling, Edinburgh, Haddington, Fife, Berwick, and Perth.

By the terms of the last-mentioned charter, the lands were granted to be held of his Majesty and his successors in fee and heretage for ever, by Esme Duke of Lennox, Earl Darnley, Lord Torbaltoun, and Aubigny, and the heirs male of his body; whom failing, to return to his Majesty and his successors.

Esme, the first Duke of Lennox, harassed by the factions which at that time prevailed in Scotland, returned to France in the year 1581 or 1582, and died at Paris on the 26th May 1583.

He married Katherine Balsac, daughter of Balsac Seigneur d'Antragues in France, and by her had two sons:

1. LUDOVIC, who succeeded him, and was second Duke of Lennox.
2. ESME, Lord d'Aubigny, afterwards Duke of Lennox.

He left also two daughters, Lady Henrietta, married to George first Marquis of Huntley; and Lady Mary, second wife to John Earl of Marr, Lord High Treasurer of Scotland in the reign of James VI.

PROOFS concerning LUDOVIC, second Duke of Lennox, eldest
Son of ESME STUART the first Duke.

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Soon after the death of the first Duke of Lennox at Paris in the year 1583, his eldest son Ludovic was brought over from France by order of King James, who gave to him all the estates and honors which had formerly been granted to his father, with several additions and enlargements; particularly there is in the Public Records a royal charter under the Great Seal, dated the last day of July 1583, by which his Majesty granted to Ludovic Duke of Lennox, son of the deceased Esme Duke of Lennox, the earldom of Lennox, which had been erected into a dukedom, and various other lands which had been contained in the former grants to his father. But there is this material difference between the one and the other; that in the charter 1581, granted to Esme Duke of Lennox, the grant was limited to him, and to the heirs male of his body; whom failing, to return to his Majesty. But in the charter 1583, in favor of Ludovic Duke of Lennox, there is no such limitation or clause of reversion; on the contrary, the grant is declared to be in favor of Ludovic Duke of Lennox and *his heirs male whatsoever*; the words are, "Ludovico Duci de Lennox et *hæredibus suis masculis quibuscunque.*" It will hereafter be shewn, that it was in virtue of this extended grant, that King Charles II. in the year 1680 claimed, and was entitled to the dukedom of Lennox as the *nearest collateral heir male*, though not lineally descended from any of the Dukes of Lennox.

In the Charter-room at Hamilton, amongst the papers of No. 124 of James M'Kenzie's inventory, there is a precept from the Chancery, dated 9th April 1585, for infefting Ludovic Duke of Lennox in certain lands in the barony of Avendale which held of the Lord Avendale. This precept recites not only the King's relationship to the family of Lennox, but likewise his anxious desire

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to keep up that family, and to preserve the succession to heirs male whatsoever; for the grant is to Ludovic Duke of Lennox, and the heirs male of his body; *whom failing, to his heirs male whatsoever.*

There are in the Public Records of Scotland many other charters and grants in favor of Ludovic Duke of Lennox, and many proofs both in England and in Scotland of the estimation in which he was held, and of the high situations he enjoyed in both countries.

He was Great Chamberlain and High Admiral of Scotland.

In 1601 he was sent ambassador to France.

In the year 1607, he represented his Majesty as Commissioner to the Parliament in Scotland.

After King James's accession to the crown of England, he was created Earl of Richmond in 1614; and was afterwards, in the year 1623, created Earl of Newcastle and Duke of Richmon din England; where he was likewise master of the household, and first gentleman of the bed-chamber, and was one of the knights companions of the Order of the Garter*.

The various charters granted by King James VI. in relation to the earldom or dukedom of Lennox, beginning with that granted to his uncle Charles Stuart in 1572, and ending with that granted to his cousin Ludovic Stuart in 1583, and particularly those clauses

* Sir Robert Gordon of Gordonstoun, who was cotemporary with this Ludovic Duke of Lennox, and assisted at his funeral, has given a particular account of the Lennox family in his manuscript history of the family of Sutherland; where he mentions, that when King James went to Denmark in 1589, he not only appointed Ludovic Duke of Lennox viceroy of Scotland during his absence, but also named him heir to the crown of Scotland in case he himself had died in that voyage, as being then the next lawful heir to the crown.

In Granger's Biographical History of England, vol. i. p. 327, it is mentioned, that Ludovic Duke of Lennox had a great share of King James's confidence and esteem, which he merited as a man of an excellent character. Granger also mentions that there are in England three original capital pictures of this Duke; to wit, one by Rubens at the Earl of Pomfret's at Easton; one at Gorhambury; but says the most considerable is the excellent whole-length of him by Van Somer at Petworth.

in

in the preamble of the charters which specify the motives and intention of the grant: all these taken together, strongly testify an earnest desire on the part of his Majesty, not only that the estates and honors of the Lennox family should not be absorbed in, or confounded with the rights of the crown, but further, that the representation of that family *in the male line* should be kept up and supported, while there existed any collateral male heirs of the name and blood of the Stuarts of Derneley and Lennox. In this respect the intentions of King James VI. appear to have been precisely the same with those of his ancestor King Robert II. who in the year 1357, and in the year 1361, while High Stewart of Scotland, before his accession to the crown, granted the lands of the Derneley estate to the Stuarts of Derneley, with an express declaration that these lands should belong to and remain with the heirs male in all time thereafter, while there could be found an heir male of the name and blood of that family.

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Ludovic Duke of Lennox, having had most extensive possessions in Scotland, it was necessary for him to commit the management of his affairs in that country to certain commissioners in whom he could place confidence. Accordingly he executed a commission, dated 28th July 1604, recorded in the Books of Session the 17th of February 1606, by which he committed the management of all his estates in Scotland to certain commissioners, most of whom were relations of the family.—One of the commissioners thus named was Archibald Stuart of Castelmilk; the other commissioners thereby named were Hugh Lord Loudoun, Walter Stuart commendator of Blantyre, Sir William Stuart of Traquair, Sir Matthew Stuart of Minto, &c.

This

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This Ludovic, second Duke of Lennox, was thrice married: first, to Sophia daughter of William Earl of Gourie; secondly, to Jean, daughter of Sir Matthew Campbell of Loudoun; and lastly, to Frances daughter of Thomas Viscount of Bindon, Countess of Hartford; but left no children of any of his marriages*.

He

* Amongst the papers in the charter-chest of the deceased Sir John Stuart of Castelmilk, there was found some years ago, an original warrant dated in the year 1611, and superscribed by his Majesty King James VI., ordering a charter to be passed under his great seal in due form, in favor of Ludovic Duke of Lennox, of the lands of *Castelmilk* in *Annandale*; which warrant proceeds on the following recital:

“ That his Majesty remembering that the haill erldome of Lennox, and all utheris
 “ landis whatever pertinit to the Erles of Lennox, his Henes father and gnd father, and
 “ yair predecessor, fell and pertinit to his Majestie *jure sainguinis*; and that his Henes,
 “ for the advancement of his richt treist and weilbelivit counsular Ludovick Duke of
 “ Lennox, Erle Dernelie, Lord Torbolton, Methven, and Obigny, &c. and to gif him
 “ the better occasion to waite upon his Majestie, gaif and disponit of befoir to the
 “ said Ludovic Duke of Lennox, his hiris maill and assigneys, the said haill erldom of
 “ Lennox, with all landis, castellis, tours, and fortalices perteining y^to; and now
 “ his Majestie perfytlie understanding and being credable informit, that his prede-
 “ cessors, Erles of Lennox for the tyme, had perteining to thaim heretablie *all and*
 “ *haill the Twa-part of the landis and lordship of Castelmilk*, extending to Fourty Merk
 “ Land of auld extent, and all and haill the *Ten Merk Land of Brumell* of auld ex-
 “ tent, togethir with the superiorities of the samyn landis and yair pertinentis lyand
 “ in the lordship of Annandaill, within the sberiffdome of Dumfries; and his Henes
 “ however [*not*] being willin to hurt or prejudge the said Ludovic Duke of Lennox
 “ of the said landis and superiority with their pertinentis, nor of any utheris landis
 “ qulks pertinit of befoir to any of his prediceffores, Erles of Lennox for the tyme,
 “ but rather to provide him theiro: Thairfor, and for the guid, trew, and thankful
 “ service done to his Henes be the said Ludovic Duke of Lennox, and for diveris
 “ utheris greit respectis and gude considerationes moving his Majestie, his Heines,
 “ with advice aforesaid, gevin, grantit, set, and to few-farm letten, and be the tenoir
 “ hereof gevis, grantis, fettis, and to few-farm lettis to the said Ludovic Duke of
 “ Lennox, his airis maill and assigneys q^tsumever heretablie, all and haill the said
 “ *Twa-pairt of the saids landis and lordship of Castelmilk extending to Fourty Merk Land*
 “ *of auld extent*, and als all and haill the said *Ten Merk Land of auld extent of Brumell*,
 “ with the superiorities of the same landis, and with the milne thereof, milne landis,
 “ multures, and sequels of the samyn, togethir with all and sundrie manour-places,
 “ houses, biggings, &c. and all their pertinentis, lyand as said is; togidder with all
 “ richt,

He died upon the 16th of February 1623-4, in the 50th year of his age, and was buried in King Henry the VIIth's Chapel in Westminster Abbey, where a sumptuous monument was erected to his memory, with an inscription mentioning his titles and the high offices he held.

“richt, tytill, entres, claime of richt, als well petitor as possessor, quikes his Heines,
“his predecessores or successores, had, hes, or any waies may claime, haif, or pretend
“thairto, or to any pairt thair of, or to the maills, fermes, profites, or dewties of the
“samyn, of q'sumever zeirs or termes bypast or to cum, by reison of waird, relief, non-
“entres, escheit, forfaltor, recognition, purprisone, disclamation, bastardy, reductions
“of infestmentis, leissings, or retouris, alienation of all or mair parties, or by virtue
“of q'sumever acts of parliament annexand the said landis to his Heines proppertie,
“utheris actis, lawis, or constitution of this realme, or throw non-confirmation of
“auld infestments their of, or for any uther fault, impediment, or imperfection of the
“same, or by reason of the annulling, expiring, or foresalting thair of, or for non-pay-
“ment of the few duties contenit therein in dew time, or for diminution of the
“rental, or by any uther law, or for q'sumever uther cause, action, or occasion by-
“gone preceding the date heirof,” &c. “With special and full power to the said Lu-
“dovic Duke of Lennox, and his foresaids, to bruke and joyse all and sundrie the fore-
“saids landis and mylne with yair pertinentis, by vertew of this present infestment, in
“all tyme coming, notwithstanding q'sumever prorie, infestment, or other richt,
“tytill, or securitie maid to any uther person or persones of the samen of before,” &c.
—To be holden by the said Ludovic Duke of Lennox in few farm for ever, “Gevand
“thairfoir zeirlic, the said Ludovic Duke of Lennox, *his airis maill* and assigneyes
“foresaids, to our said Soueraine Lord and his successores, their comptrolleris, cham-
“berlanis, and factoris in their names present, and that fall happin to be for the
“time, for the said Twa-pairt of the saids landis and lordship of Castelmilk, the
“sowme of twentie-nyne pundis six shillings aucht pennies usual monie of Scotland;
“and for the saids landis of Brumell with the pertinentis, the sowme of seven pundis
“six shillings aucht pennies, and for the auld dewtie contenit in the rentallis of the
“same, usit and wont to be payit thairfoir of befoir; togitther with the service of sex
“shillings aucht pennies money foresaid zeirlic, in augmentation of the rental, mair
“nor evir the saids landis payit of befoir, extending in the haill to the sum of thretty-
“sevin pundis money foresaid, at two termes in the zeir, Wysunday and Martymas in
“winter, be equal portions, in name of few farme; and als the heiris and successores
“of the said Ludovic Duke of Lennox doubland the said few farme the first zeir of
“their entrie to the said landis, as use is of few ferme allenarlic.”

In a preceding Part of this Genealogical History, Part V. N° XII. it was mentioned, that upon the 25th of February 1611, a receipt and declaration was granted by Sir Matthew Stuart of Minto, wherein he acknowledged that he had by the command of

PROOFS concerning ESME STUART, Lord of Aubigny, third Duke of Lennox.

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Esme Stuart, second son of Esme the first Duke of Lennox, succeeded to his brother Ludovic Duke of Lennox in the year 1623-4, upon his death without issue male.

It appears by the books kept at the Chambre des Comptes at Paris, that Esme Stuart had been received in France as proprietor of the lands of Aubigny, and had performed *foy* and *hommage* for that Seigneurie upon the 8th of April 1600.

There are no charters in the Public Records in Scotland in favor of this Esme third Duke of Lennox; whence it is presumed, that he made up his titles to the various estates in Scotland which had belonged to his brother, by special service and retour, as nearest and lawful heir to him.

This Esme third Duke of Lennox had constantly and faithfully followed the fortunes of Henry IV. of France in his greatest troubles.

He came to Scotland in the year 1601; and in the year 1619 was created Earl of March and Lord Leighton in England.

the Lord Blantyre, one of the Commissioners of Ludovic Duke of Lennox, received out of a bundle of the Lennox Papers an instrument of sasine, dated 10th May 1496, in favor of Matthew Earl of Lennox, as heir to his father John Earl of Lennox in the Forty Merk Lands of Castelmilk, and in the Ten Merk Lands of Brumell, proceeding on a precept under the Great Seal, dated 1496.

The purpose for which that infeftment in favor of Matthew Earl of Lennox in the lands of Castelmilk had been borrowed up out of the Lennox Papers, on the 25th of February 1611, by Sir Matthew Stuart of Minto, by the order of Lord Blantyre, both of them Commissioners of Ludovic Duke of Lennox, is sufficiently evident by the above-recited warrant in favor of that Duke of Lennox in 1611. It was for proving the fact set forth in the warrant, that the superiority of the lands of Castelmilk and Brumell had belonged to the Lennox family, and to assist in the framing the new grant of the lands of Castelmilk proposed to be given at this time to Ludovic Duke of Lennox.

Upon

Upon his brother's death in February 1623-4, he succeeded to his titles of dignity in Scotland, but the dukedom of Richmond in England reverted to the crown. PART
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This Esme Duke of Lennox was, soon after his brother's death, made Knight of the Garter with great solemnity at Windsor; and it was remarked to be the first instance of the next heir of any Knight of the Garter immediately succeeding to his predecessor in that high honor.

He married Lady Katherine Clifton, the only daughter and heir of Gervaise Lord Clifton of Bromswald, by whom he had seven sons and three daughters.

The daughters were, 1. Elizabeth, married to Thomas Howard, Earl of Arundel. 2. Anne, married to Archibald Lord Angus, son and heir of William first Marquis of Douglas. 3. Frances, married to Jerome Western, Earl of Portland.

With regard to the seven sons, an account will be given of them in the next Article, under the title of the Seventeenth Generation.

This Esme third Duke of Lennox did not long survive his brother Ludovic, having died in the same year at Kerby, upon the 30th of July 1624, and was buried in Westminster Abbey the 6th of August, near to Mary Queen of Scotland, and Margaret Countess of Lennox*.

* The particulars relating to Esme third Duke of Lennox are taken from the account of the Lennox family given by Sir Robert Gordon of Gordonstoun in his manuscript history of the family.

SEVENTEENTH GENERATION.

1. JAMES, fourth Duke of Lennox, and also Duke of Richmond, eldest Son of the third Duke of Lennox.
2. 3. Lord HENRY and Lord FRANCIS, second and third Sons, both died young.
4. Lord GEORGE, Lord d'Aubigny, fourth Son.
5. Lord JOHN STUART, fifth Son.
6. Lord BERNARD STUART, sixth Son.
7. Lord LUDOVIC STUART, seventh Son.

PROOFS concerning JAMES, fourth Duke of Lennox, the eldest Son.

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JAMES Stuart, the fourth Duke of Lennox, was only twelve years and three months old at the time of his father's death in 1624. King James VI. as being the nearest heir male of the family then of age, became by the laws of Scotland his tutor and guardian. He appointed commissioners for the management of his estates in Scotland, and took a particular charge of his education *.

He

* There are in the Public Records in Scotland the following charters in favor of this James fourth Duke of Lennox, viz.

Charter, dated 7th March 1628, Book lii. No. 108, of the barony of Kilmaronock in Dumbartonshire.

Charter, dated 1st April 1629, Book lii. No. 149, of the office of bailliery and justiciary of the lordship, barony, and regality of Glasgow.

Charter, dated 18th April 1629, Book lii. No. 193, of the lands of Blairghan in Dumbartonshire.

Charter,

He was first sent to the University of Cambridge for his education; several considerable pensions were granted by King James to him, and to his mother the Duchess of Lennox, which were confirmed by King Charles I.

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By the particular directions of his Majesty, this young Duke of Lennox travelled abroad in France, Spain, and Italy; and while in Spain he had the honor of being created one of the grandees of that kingdom.

In England he was at an early period made a Privy Counsellor, Lord Warden of the Cinque Ports, and Master of the Household*.

He was also made Knight of the Garter, being the third of that family in succession who had the honor of that knighthood.

On his return from his travels, the heritable offices belonging to the family were conferred upon him.

During the civil wars in the time of King Charles I. He adhered to the King's interest so very firmly, that he was particularly pursued by the other party with great acrimony.

Frequent mention is made of this James Duke of Lennox and Richmond by Lord Clarendon in his History of the Rebellion; and from the manner in which his Lordship always speaks of him, it

Charter, dated 2d August 1642, Book lvii. No. 103, of the patronage of the church of Inchennan, &c. in Renfrewshire.

Charter, dated , Book i. fol. 47, of the register kept in Chancery for the years from 1646 to 1651, of the advocation of the parish church of Kilmaronock.

Charter, dated 10th December 1647, Book lviii. No. 136, of the advocation of the church of Kilmaronock.

* The particulars concerning this James fourth Duke of Lennox are chiefly taken from the MS. history before-mentioned by Sir Robert Gordon of Gordonstoun, who was one of the Commissioners appointed both by King James VI. and by King Charles I. for managing the estates of James Duke of Lennox in Scotland.

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The first mention of the Duke of Lennox by Lord Clarendon, is in the account he gives of what passed when King Charles was in Scotland in the year 1639, and while he remained with his army on the borders; where it is stated that the Scotch covenanters had from the beginning practised a new sturdy style of address, in which, under the licence of accusing the counsel and carriage of others, whom yet they never named, they bitterly and insolently reproached the most immediate actions and directions of his Majesty himself; and then made the greatest professions of duty to his Majesty's person that could be invented. Lord Clarendon then observes: "The King had not at that time one person about him of
 " his council who had the least consideration of his own honour, or
 " friendship for those who sat at the helm of affairs, the Duke of
 " Lennox only excepted; who was a young man of small ex-
 " perience in affairs, though a man of great honor and very good
 " parts, and under the disadvantage of being looked upon as a
 " Scotsman; which he was not in his actions at all, being born in
 " England of an English mother, and having had his education
 " there; and had indeed the manners and affections of an English-
 " man, and a duty and reverence for the King and church accord-
 " ingly; and would never trust himself in those intrigues as too
 " mysterious for him." Lord Clarendon's History, v. i. p. 97.

P. 215. Talking of the Commissioners who had treated with the Scotch, Lord Clarendon remarks, that their design was "to remove
 " the Duke of Richmond from the King; both because they had a
 " mind to have the office of Warden of the Cinque Ports from him,
 " that it might be conferred on the Earl of Warwick; and as he
 " was almost the only man of great quality and consideration
 " about the King, who did not in the least degree stoop or make
 " court to them, but crossed them boldly in the House; and all
 " other

“ other ways pursued his master’s service with his utmost vigour
 “ and intentness of mind; they could not charge him with any
 “ thing like a crime, and therefore only intended by some vote to
 “ brand him, and make him odious; by which they presumed they
 “ should at last make him willing to ransom himself by quitting
 “ that office, for which there was some underhand treaty, by per-
 “ sons who were solicitous to prevent farther inconveniences, and as
 “ they found any thing like to succeed in that, they slackened or
 “ advanced their discourse of evil counsellors.”

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P. 243. “ By this time the King was as weary of Scotland, as he
 “ had been impatient to go thither; finding all things proposed to
 “ him as to a vanquished person, without consideration of his honor
 “ or his interest; and having not one counsellor about him but the
 “ Duke of Lennox, (who from the beginning carried himself by the
 “ most strict rules of honor, gratitude, and fidelity to him,) and
 “ very few followers, who had either affection for his person or
 “ respect for his honor.”

In vol. ii. p. 151. Lord Clarendon gives the following character
 of the Duke of Richmond:

“ The Duke of Lennox and Richmond, as he was of the noblest
 “ extraction, being nearest allied to the King’s person of any man
 “ who was not descended from King James; so he was very worthy of
 “ all the grace and favor the King had shewn him; who had taken
 “ great care of his education, and sent him into France, Italy, and
 “ Spain, where he was created a grandee of that kingdom; and as
 “ soon as he returned, though he was scarce one-and-twenty years
 “ of age, made him a privy counsellor; and shortly after, out of his
 “ abundant kindness to both families, married him to the sole
 “ daughter of his dead favourite, the Duke of Buckingham, with
 “ whom he received twenty thousand pounds in portion; and his
 “ Majesty’s bounty was likewise very great to him: so that, as he
 “ was very eminent in his title, he was at great ease in his fortune.

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“ He was a man of very good parts, and an excellent understand-
 “ ing; yet, which is no common infirmity, so diffident of himself,
 “ that he was sometimes led by men who judged much worse. He
 “ was of a great and haughty spirit, and so punctual in point of
 “ honor, that he never swerved a tittle. He had so entire a resigna-
 “ tion of himself to the King, that he abhorred all artifices to
 “ shelter himself from the prejudice of those who, how powerful
 “ soever, failed in duty to his Majesty; and therefore he was pur-
 “ sued with all imaginable malice by them, as one that would have
 “ no quarter upon so infamous terms, as but looking on whilst his
 “ master was ill-used. As he had received great bounties from the
 “ King, so he sacrificed all he had to his service, as soon as his oc-
 “ casions stood in need of it; and lent his Majesty at one time
 “ twenty thousand pounds together; and as soon as the war began,
 “ engaged his three brothers, all gallant gentlemen, in the service;
 “ in which they all lost their lives. Himself lived with unspotted
 “ fidelity, some years after the murder of his master, and was
 “ suffered to put him into his grave; and died without the comfort
 “ of seeing the resurrection of the crown.”

This James Duke of Lennox and Richmond* died on the 30th of March 1655, leaving children by his marriage with Lady Mary daughter of George Duke of Buckingham,

1. Esme, who succeeded him and became fifth Duke of Lennox.
2. Mary, who married Richard Butler, Earl of Arran in Ireland, son of the Duke of Ormond.

* In Granger's Biographical History, vol. ii. p. 117, he mentions a picture by Vandyck of this James Duke of Lennox, in the possession of Sir Paul Methven, and says, that there is a portrait of him in the gallery at Gorhambury. Granger adds, that this James “ had the sincerest affection for the King his master, and was one of the
 “ noblemen who offered to suffer in his stead. That the whole tenor of his behaviour
 “ to that Prince, and his extreme regret for his death, shew that he was much in
 “ earnest in offering to be a vicarious victim for him. He died, as it is supposed, of
 “ the effects of grief, the 30 of March 1655.” Echard, p. 718.

Lord HENRY and Lord FRANCIS STUARTS, second and third
Sons of ESME the third Duke of Lennox.

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They both of them died young, and left no posterity.

Concerning Lord GEORGE STUART, Lord d'Aubigny, the
fourth Son of ESME the third Duke of Lennox.

This George Stuart had been received in France as Seigneur of
the lands of Aubigny, for which lands he performed *foy* and *hom-*
mage to the King of France upon the 5th of August 1636, as ap-
pears from the Record kept at Paris of the *foix* and *hommages*,
No. 177.

George Stuart, Lord Aubigny, was killed at the battle of Keinton
or Edge-hill on the 23d of October 1642, when fighting in support
of his sovereign. Lord Clarendon, in his History of the Rebellion,
mentions the Lord Aubigny, son to the Duke of Lennox, as one of
the distinguished persons killed at that battle, and gives the following
character of him, vol. ii. p. 41.

“ The Lord Aubigny was a gentleman of great hopes, of a
“ gentle and winning disposition. He was killed in the first charge
“ with the horse, where, there being so little resistance, gave occa-
“ sion to suspect that it was done by his own lieutenant, who was
“ a Dutchman, and had not been so punctual in his duty, but that
“ he received some reprehension from his captain, which he mur-
“ mured at. His body was brought off and buried at Christ Church
“ in Oxford. His two younger brothers, the Lord John and the Lord
“ Bernard Stuart, were in the same battle, and were afterwards both
“ killed in the war; and his only son is now Duke of Richmond.”

George Lord d'Aubigny married Frances daughter of Theophilus
Earl of Suffolk, of which marriage there was issue one son and one
daughter, *viz.*

Charles, who, on the death of his cousin Esme fifth Duke of Lennox in the year 1661, became sixth Duke of Lennox, as stated in the next Article under the Eighteenth Generation.

Katherine Stuart, only daughter of George Lord d'Aubigny, and sister of Charles the sixth Duke of Lennox, married Henry Lord O'Brian, son and heir of the Earl of Thomond, of the kingdom of Ireland; of which marriage there was a daughter, Katherine, who married Edward Earl of Clarendon: of that marriage there was an only daughter, Lady Theodosia Hyde, who, upon the 24th of August 1713, married John Bligh, Esq. who by patent, dated 14th September 1721, was created a peer of Ireland, by the title of Baron Clifton of Rathmore, and by patent, 7th of March 1722, was created Earl of Darneley in the kingdom of Ireland.

Katherine Countess of Clarendon above-mentioned, claimed the title and dignity of Baroness Clifton of Leighton Bromswold, as heir to the Lady Katherine Clifton her grand-mother, daughter of Gervase Lord Clifton of Leighton Bromswold, and wife to Esme third Duke of Lennox. Her claim to that peerage, which went to heirs general, was allowed by the House of Peers in February 1674, and the present Earl of Darneley (in Ireland), as descended from that Lady, enjoys that English peerage of Baron Clifton of Leighton Bromswold, which originally belonged to the wife of Esme Stuart the third Duke of Lennox.

Concerning Lord JOHN STUART, fifth Son of ESME third Duke of Lennox.

Lord John Stuart, fifth son of the third Duke of Lennox, was general of the horse in the service of King Charles I., and was killed at the battle of Alresford in the year 1644, without leaving any posterity.

In

In Granger's Biographical History, vol. ii. p. 140, there is the following article concerning Lord John Stuart:

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"The Lord John Stuart, fourth son to the Duke of Richmond, and elder brother to the Lord Litchfield, was remarkable for every good and amiable quality by which that nobleman was distinguished, nor was he inferior to him in courage; he rather seems to have been valiant to excess; as he with great intrepidity commanded a body of light horse up a hill at Cheriton Downs, in order to attack Sir William Waller's army, where he fell into an ambuscade of the enemy. He had two horses killed under him, and received six wounds before he fell. He died amidst several hundred of his men, with whose dead bodies his own was surrounded. He lies buried at Christ Church in Oxford with another brother, who was killed at Edge-hill. Ob. 29 March 1644."

In Lord Clarendon's History, after giving an account of the battle of Alresford, fought on the 29th of March 1644, there is the following paragraph: "On the King's side, besides common men and many good officers, there fell that day the Lord John Stuart, brother to the Duke of Richmond, and general of the horse of that army." The character given by Lord Clarendon of Lord John Stuart is in these words: "He was a young man of extraordinary hope, little more than one-and-twenty years of age, who, being of a more cholerick and rough nature than the other branches of that illustrious and princely family, was not delighted with the softnesses of the Court, but had dedicated himself to the profession of arms, when he did not think the scene should have been in his own country. His courage was so signal that day, that too much could not be expected from it if he had outlived it, and he was so generally beloved, that he could not but be generally lamented." Vol. ii. p. 367.

Concerning Lord BERNARD STUART, sixth Son of ESME
third Duke of Lennox.

Lord Bernard Stuart, sixth son of the third Duke of Lennox, was commander of King Charles's troops of guards in the times of the civil wars, was created Earl of Litchfield in 1644 or 1645, and was killed at the battle of Chester in the year 1645.

In Granger, vol. ii. p. 139, there is the following article concerning Bernard Stuart, the sixth son of the Duke of Richmond and Lennox :

“ Bernard Stuart, Earl of Lichfield, was the youngest of the five
“ sons of the Duke of Richmond and Lennox who served in the
“ royal army. He commanded the King's troop, which consisted of
“ one hundred and twenty persons of rank and fortune, who on
“ every occasion exerted themselves with a generous ardor for their
“ Sovereign, and were victorious in several actions. He was created
“ Earl of Lichfield in consideration of his gallant behaviour near
“ that city. This excellent young nobleman, who was as much
“ esteemed for his virtues in private life, as he was admired for his
“ valor and conduct in the field, was killed at the battle of Rowton-
“ heath near Chester, having first secured the retreat of the King,
“ whose person was in great danger. Ob. 26 Sept. 1645*.”

This Lord Bernard Stuart is frequently mentioned in Lord Clarendon's History. In giving an account of the battle of Chester, his Lordship relates that Sir Marmaduke Langdale of the King's party, being overpowered by the troops under Pointz, was routed and put to flight, and pursued by Pointz even to the walls of Chester. Lord Clarendon's narrative then proceeds thus :
“ There the Earl of Litchfield with the King's guard, and the Lord

* There is a reference in Granger to a picture of the Lord John and Lord Bernard Stuarts by Vandycke, in the collection of the late Duke of Kent, which picture is now in the possession of the Earl of Hardwicke's family.

“ Gerrard with the rest of the horse, were drawn up and charged
 “ Pointz, and forced him to retire; but the disorder of those horse
 “ which first fled had so filled the narrow ways, which were unfit for
 “ horse to fight in, that at last the enemies musqueteers compelled
 “ the King’s horse to turn, and to rout one another, and to overbear
 “ their own officers who would have restrained them. Here fell
 “ many gentlemen and officers of name, with the brave Earl of
 “ Litchfield, who was the third brother of that illustrious family
 “ that sacrificed their lives in this quarrel. He was a very faultless
 “ young man, of a most gentle, courteous, and affable nature, and of
 “ a spirit and courage invincible; whose loss all men exceedingly
 “ lamented, and the King bore it with extraordinary grief.”
 Vol. ii. p. 550.

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There was no issue from Lord Bernard Stuart or his brother Lord John, as appears from their younger brother Ludovic having succeeded to the lands of Aubigny on their deaths.

Concerning Lord LUDOVIC STUART, seventh Son of ESME
 third Duke of Lennox.

Lord Ludovic Stuart was Seigneur of Aubigny in France, as appears from an authenticated extract from the Chambre des Comptes at Paris, certifying that, upon the 20th of November 1656, Ludovic Stuart, therein described “ Prince du Sang Royale d’Ecosse, Seigneur
 “ d’Aubigny sur Nerre in the province of Berry,” had that day performed the foy and homage liege which he was bound to do for the lands and Seigneurie of Aubigny. And the instrument bears, that these lands had fallen to him by the decease of Esme Stuart his father, and of Henry, George, John, and Bernard Stuarts, his brothers; which also shews that all these brothers had died without leaving issue male.

Ludovic

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Ludovic was Chanoine of the Eglise de Notre Dame at Paris; was also Abbé de Hautfontain, and Great Almoner to the Queen of England. He was a man of letters, much connected with the Duke of Buckingham, Mons. St. Evremont, and the most distinguished spirits of that age. St. Evremont frequently mentions him under the title of Mons. d'Aubigny, and gives this character of him: "Qu'il avoit beaucoup d'esprit, et encore plus de franchise."

In the year 1665, he was named Cardinal by the Court of Rome, and died at Paris in the month of November that year, a few hours after the arrival of the courier who brought him *la calotte* from Rome. He was buried in the church of the Chartreux at Paris, where the Author, in the year 1789, found out the place of his interment in that church, with an inscription; the first part of which has been effaced by the injury of time, what remains of the inscription is in these words:

..... "Britanniæ Regis conjugis magno eleemosynario,
"viro non tam claris natalibus, quam religione, morum suavitate,
"urbanitate, ingenii elegantia, cæterisque animi dotibus, conspicuo.
"Qui, cum in Cardinalum Collegium mox cooptandus esset, immatura morte peremptus est anno ætatis 46. r. l. 1665. 3^{to} Id.
"Novembris.

"De se plura ne dicerentur supremis Tabulis cavit."

EIGHTEENTH GENERATION.

ESME, fifth Duke of Lennox, only Son of JAMES, fourth Duke.

CHARLES STUART, only Son of GEORGE Lord d'Aubigny, who was Brother of JAMES, fourth Duke of Lennox.

Concerning ESME STUART, fifth Duke of Lennox.

THIS Esme Stuart was an infant at the time of the death of his father James fourth Duke of Lennox, in the year 1655, and he died at Paris on the 14th of August 1661, unmarried.

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There are no charters in his favor in the Public Records in Scotland; therefore it is presumed that his titles to the estates enjoyed by his ancestors must have been made up by special service as heir to his father.

Concerning CHARLES STUART, sixth Duke of Lennox.

Upon the death of Esme fifth Duke of Lennox, in the year 1661, without posterity, his cousin-german Charles Stuart, only son of George Lord d'Aubigny, uncle of the said Esme Stuart, succeeded to the honours and estate of the Lennox family.

There are in the Public Records in Scotland, two charters from the Crown in favor of this Charles sixth Duke of Lennox, the one dated 3d May 1671, wherein he is designed Duke of Lennox and Richmond, granting to him the lands of Inchennan and others in Renfrewshire; the other dated 22d February 1672, granting to him the heretable office of High Admiral of Scotland. It is presumed, however,

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however, that his titles to the greatest part of the Lennox estates must have been made up by special service as heir either to his uncle James fourth Duke, or to his cousin Esme fifth Duke of Lennox, or other ancestors in these lands.

It appears also from the Records of the Chambre des Comptes at Paris, that on the 11th of May 1670, this Charles sixth Duke of Lennox had been acknowledged and received as Seigneur of the lands of Aubigny in France, and that, contrary to usual custom, he had been permitted to perform *foy* and *hommage* for these lands by a substitute or procurator, instead of performing it personally. The instrument drawn up on that occasion, of which the Author got an authenticated copy from the Records in France, contains the warrant issued by Louis XIV. of France, reciting, " That the lands
" and Seigneurie of Aubigny, with its appurtenances and depend-
" encies, situated in the province of Berry, having descended to
" Charles Stuart, Duke of Richmond and Lennox, Great Cham-
" berlain and Admiral of Scotland, Prince of the blood of the said
" kingdom, as being the eldest male descendant in direct line from
" John Stuart, Constable of Scotland ; and that in consequence of
" the donation made by the lettres patentes of King Charles VII.
" dated at Bourges the 26th day of March 1422, the said Duke of
" Richmond and Lennox had supplicated his Majesty to receive
" him in the said lands, and to be permitted to perform *foy*
" and *hommage* by a substitute, on account of his absence from
" the kingdom of France, and the important affairs which de-
" tained him ; therefore his Majesty, desiring to treat favorably the
" said Duke of Lennox and Richmond, had dispensed, for once
" only, and without being drawn to a precedent, with his perform-
" ing the *foy* and *hommage* personally, and permitted him to do
" it by a substitute, which had been done that day in the hands of
" the Chancellor of France, by Raphael de Tartareau, Chevalier,
" Sire de Villebrosse, Gentleman of the Chamber of the deceased
" Queen,

“ Queen, mother of the King of Great Britain, and aunt of the
 “ King of France, having a special procuration for that purpose from
 “ the Duke of Richmond, which had been accepted of by his Ma-
 “ jesty, without prejudice to his rights; therefore gave order that
 “ the said Duke should have free possession of the said lands and
 “ Seigneurie of Aubigny, without any disturbance.”

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It is to be observed, that ever since the time of the first grant of the lands of Aubigny to John Stuart, the Constable of the Scottish army, who had been killed during the siege of Orleans in February 1429, these lands of Aubigny had always, by the permission of the Kings of France, been enjoyed by one of the younger branches of the Derneley family, descended from the said John Stuart; the persons so enjoying the lands of Aubigny generally residing in France. But in the year 1670, when Charles the sixth Duke of Lennox applied to Louis XIV. to be received as Seigneur d'Aubigny, and to the safe possession of these lands, there was no longer any younger branch of the Derneley family existing, as will immediately be shewn under the next Article.

This Charles Stuart, sixth Duke of Lennox, married Frances Stuart*, daughter of Walter Stuart, Esq. son of Walter Lord Blandy; but there was no issue of the marriage.

He was sent by King Charles II. ambassador extraordinary to the Court of Denmark, and died at Elsinour in the month of December 1672.

* The portrait of Frances Stuart, Duchess of Richmond, is among the beauties at Windsor, and her effigy in wax is preserved in Westminster Abbey. She was reckoned the greatest beauty and finest figure that appeared at the Court of Charles II.

CONCLUSION OF PART SIXTH, and INFERENCES.

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CHARLES STUART, the sixth Duke of Lennox, who died at Elſineur in December 1672, was the laſt of the male deſcendants from Eſme the firſt Duke, in whoſe favor the dukedom of Lennox was erected in 1581, with a deſtination to him and the heirs male of his body ; but as that dukedom was, by a royal charter in the year 1583 in favor of Ludovic, the ſon of Eſme the firſt Duke, expreſſly granted to Ludovic and his *heirs male whatſoever*, ſo King Charles II. of Great Britain, though not lineally deſcended from either Eſme the firſt, or from Ludovic the ſecond Duke of Lennox, yet as the neareſt *collateral heir male* of the laſt Duke of Lennox, was entitled to, and claimed the eſtates of the dukedom in conſequence of the death of Charles the ſixth Duke, who was the laſt male deſcendant from any of the Dukes of Lennox.

King Charles's titles to the eſtates compoſing the dukedom of Lennox were made up according to the laws and practice of Scotland, and the ſame forms were obſerved in the caſe of the ſovereign claiming this ſucceſſion, as if it had been a private individual who claimed it, in the manner directed by the inquiries *poſt mortem* ; for there was a jury aſſembled at Edinburgh in the month of July 1680, to whom the title deeds under which his Maſteſty claimed the ſucceſſion were preſented, and the proofs of his Maſteſty's being the neareſt collateral heir male of the Dukes of Lennox were produced ; upon conſideration whereof, the jury, upon the 6th of July 1680, pronounced their verdict in the uſual form, aſcertain- ing his Maſteſty's right to the Lennox eſtates as the *neareſt col-*

lateral heir male, being descended from Matthew the fourth Earl of Lennox, who was uncle of Esme Stuart, the first Duke of Lennox. P A R T
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The proceedings upon that occasion containing the verdict of the inquest or jury, known in Scotland by the description of a special service as heir, are in the records of the Chancery in Scotland, Book xxxvii. fol. 211.

Frances Duchess of Lennox, the widow of Charles the sixth Duke of Lennox, who died in December 1672, had right to the enjoyment of the Lennox estates during her life, and there was a charter under the Great Seal for that purpose passed in her favor on the 22d of December 1673.

By letters patent, dated at Windsor, 9th September 1675, (recorded in the Register of Charters in Scotland, Book lxiv. No. 243,) King Charles II. created Charles Lennox (natural son to his Majesty, by the Duchess of Portsmouth) Duke of Lennox, Earl of Darnlie, and Lord of Torboltoun.

The patent recites, that it being known to his Majesty that the Dukes of Lennox and their predecessors had for many ages past been splendid and illustrious Noblemen in his ancient kingdom of Scotland, and had endeared themselves to his Majesty and to his predecessors by many signal services; therefore being desirous, and resolving that the titles of honour hereinafter named, pertaining and belonging to the Dukes of Lennox, but now falling and descending to his Majesty as *heir male* of the deceased Duke of Lennox, *should by no means be suppressed and confounded in his royal person*, but that they should be created, preserved, and established in the person of some man nearly related to him; his Majesty, for the love and favor which he bears to his most beloved natural son Charles Lennox, makes, constitutes, and creates the said Charles Lennox Duke of Lennox, Earl of Darnlie, Lord

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of Torbolton. These honors and titles of dignity are thereby granted to the patentee, and to the heirs male lawfully descending from his body.

Upon the 20th of August 1680, a charter passed under the Great Seal of Scotland in favor of the said Charles Lennox, Duke of Lennox and Richmond, by which the lands, dukedom, earldom, and lordship of Lennox were granted to him, and to the heirs male of his body; whom failing, to return to his Majesty his heirs and successors.

The charter recites the right which his Majesty had to these lands as *nearest heir male* of the deceased Charles Duke of Lennox, and contains a reservation to the Duchess of Lennox, his widow, of the right which she had to the estate during her life; which life-rent right she enjoyed during many years.

After the death of the Duchess Dowager, the Duke of Richmond and Lennox, about the beginning of the present century, sold the whole of the Lennox estates belonging to him in Scotland; and they were purchased by the ancestors of the present Duke of Montrose from the person to whom the Duke of Richmond had sold them. Upon that occasion, such of the Lennox papers as had been preserved, were delivered up to the Duke of Montrose's family; and it is from these archives that some parts of the information and proofs referred to in the preceding Genealogical History have been derived.

FROM the whole of the preceding GENEALOGICAL HISTORY it evidently appears, that when King Charles II. succeeded in the year 1672, as nearest collateral heir male of Charles the sixth Duke of Lennox, and when his title as such was proved and acknowledged by the verdict of a jury in the inquisition *post mortem*, all the male descendants from Esme Stuart the first Duke of Lennox had failed; for King Charles not being descended from any of the six Dukes of Lennox, he could not have taken up the succession as *heir male collateral* if there had been descendants in the direct line from any of these Dukes of Lennox. King Charles's special service in the year 1680, as nearest heir male collateral, amounts therefore to a complete proof of the extinction of the whole of the male descendants from Esme Stuart the first Duke of Lennox, only son of John Stuart Lord of Aubigny, Governor of Avignon, who died in the year 1560.

It remains therefore only to be examined, whether in the Generations which preceded that John Stuart Lord of Aubigny, since the time of Sir John Stuart of Derneley, who was killed during the siege of Orleans in February 1429, there now exist any male descendants from that Sir John Stuart, after the extinction of the whole race of the Stuarts, Earls and Dukes of Lennox, descended from him.

The answer to this question must be perfectly obvious, on inspection of the Tree of the Family compared with the preceding Genealogical History, wherein every one of the male descendants from that Sir John Stuart of Derneley, whether belonging to the elder or younger branches of the families descended from him, have been particularly named, and an account given of such of them as left any posterity; the result of which is, that all the younger branches of the Stuarts of Derneley and Lennox descended from
John

John the third Earl, and from Matthew the fourth Earl of Lennox having failed, by the deaths of the Earls and Dukes of Lennox without male posterity, the only male descendant now existing from the said Sir John Stuart, grandfather of John the first Earl of Lennox, is the Cardinal York, as being descended from King James VI. of Scotland and the First of England, only son of Henry Lord Derneley, eldest son of Matthew the fourth Earl of Lennox, who died in the year 1571.

The pedigree from Henry Lord Derneley is so well known that it is scarcely necessary here to state it.

His only son was King James I. of England, who died in March 1625; succeeded by his son King Charles I. who died in January 1649; succeeded by his son King Charles II. who died in February 1685; succeeded by his brother King James II. of England, who died in August 1701, leaving one son James, born in the year 1688, who died at Rome upon the first day of January in the year 1766. This last James left two sons, Charles and Henry; the eldest of whom, Charles, died without issue in the year 1787; and Henry, the youngest, is the present Cardinal York at Rome, who never was married; and it is universally known that he is the only male descendant now alive from King James VI. of Scotland and the First of England.

There cannot therefore be a more complete proof than what has thus been exhibited, of the extinction of the whole male line of the Stuarts descended from Sir John Stuart of Derneley, the first Lord of Aubigny in France, grandfather of John Stuart the first Earl of Lennox of the Stuart line, excepting only the said Cardinal York.

It necessarily follows, therefore, that upon his death the representation in the male line of the Stuarts of Derneley and Lennox *must devolve upon the person who shall be able to prove himself descended*

descended from Sir William Stuart, the next brother of Sir John Stuart of Derneley the first Lord of Aubigny.

The pedigree and representation thus alluded to will not be attended with any pecuniary benefits or emoluments; for although the terms of the original grants of the Derneley estates, made by the Stewart of Scotland in the years 1356 and 1361, had anxiously provided that the succession to that estate should *in all time coming* belong to the *heirs male* of the grantee, being persons of the name and blood of Stuart; and although the grant by King James in the year 1583 to Ludovic Duke of Lennox, had, upon the same plan, expressly given the Derneley estates, and the earldom and dukedom of Lennox, to that Duke, and to his *heirs male whatsoever*; in consequence whereof all these vast estates must, if the succession to them had been secured by the clauses of a strict entail, have gone to the person who shall now be able to prove himself the *nearest heir male collateral* of Sir John Stuart of Derneley (by the same rule that these estates went in the year 1680 to King Charles II. as the nearest heir male collateral of the family, though not descended from any of the Dukes of Lennox): yet all the prior settlements of these estates were legally and effectually defeated by the grant made by King Charles II. in the year 1680, in favor of Charles Lennox, Duke of Lennox and Richmond, his son by the Duchess of Portsmouth; and all the Lennox estates in Scotland, where their property chiefly lay, were sold by the Commissioners of the Duke of Lennox, in the beginning of the present century, to purchasers for valuable considerations, who have enjoyed those estates long beyond the years of prescription; therefore their rights to the estates so acquired by them, even if they had been originally subject to any doubt or imperfection, are now beyond all possible reach of challenge.

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Still however there remains the honor of belonging to, or being connected with those whose virtues and talents had rendered them so eminent and so dear to their country. Nor will it be deemed a blameable or unworthy ambition in any man sincerely convinced of the fact, that he should be desirous to establish the truth of that connection by the most unquestionable proofs, and should wish to submit to public scrutiny and discussion the foundation of the pretensions to the honor of being the *heir male and representative of the Derneley and Lennox families.*

R E S U L T
OF THE
FACTS established by the Contents of the
preceding Six Parts of this GENEALOGICAL
HISTORY.

FIRST, with respect to the *Characters* and *Actions* of
the STUARTS of DERNELEY, LENNOX, and AUBIGNY.

SECONDLY, with respect to the *Identity* of Sir WILLIAM
STUART of Castelmilk, Knight, with Sir WILLIAM
STUART, Knight, Brother of Sir JOHN STUART of
Derneley. On which Point the Validity of the pre-
tensions of some of the Competitors for the Represent-
ation of the Derneley Family must ultimately depend.

FIRST POINT—The CHARACTERS and ACTIONS of the STUARTS
of Derneley, Lennox, and Aubigny.

GENEALOGICAL Histories, exhibiting merely a catalogue of
the names of a long line of ancestors, and of the possessions
belonging to them, but without being able to specify any great or
good actions performed by these ancestors, and without being
able to point out any instances of conduct fit for imitation, must be

little qualified to afford either instruction or entertainment ; such Genealogical Histories will, by most readers, be felt and considered as a very unprofitable sort of reading. It will be still more fatal to the success of such histories, if in the list of those ancestors there should be found some whose established characters point them out as having been prejudicial, rather than serviceable to the interests of society, and of the state to which they belonged.

The clearest and most convincing proofs of the *antiquity* of a race so insignificant, or worse than insignificant, will not be able to confer upon them any degree of lustre or respect. Their descendants will certainly not be entitled to pride themselves on the antiquity of their family ; on the contrary, they should be anxious to conceal from public view that the family to which they belong had existed upon the face of the earth for a great length of time without having, during the course of many generations, performed any thing memorable or praise-worthy, and without having left to their posterity any example worthy of imitation.

But it cannot fail to be of real use and advantage to the state, that great actions and great men should be commemorated with the honor due to them ; such marks of public approbation naturally excite others to pursue the same paths of honor ; and must be particularly qualified to produce in succeeding generations a strong desire to emulate the virtues of their ancestors, or at least to do nothing unworthy of them. The experience of all ages affords solid proofs of the advantages derived from adopting and cultivating this principle. The Greeks and Romans constantly appealed to the heroic or patriotic deeds of illustrious ancestors for the purpose of animating their descendants to similar exertions. They knew it was building on a solid foundation, to build on a principle so generally felt and so deeply rooted in the human breast.

On this subject the late Mr. Gibbon has so very well expressed his sentiments, that it may not be improper here to state them in
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his own words, as they contain much good sense, and lead to a very fair, temperate, and rational conclusion with respect to the utility of the principle or prejudice founded on the natural attachment to the merits and characters of our ancestors. His words are: "We seem to have lived in the persons of our forefathers. We fill up the silent vacancy which precedes our birth, by associating ourselves to the authors of our existence. Our calmer judgment will rather tend to moderate, than to suppress the pride of an ancient and worthy race. The satirist may laugh, the philosopher may preach, but reason herself will respect the prejudices and habits which have been consecrated by the experience of mankind.

"Whenever the distinction of birth is allowed to form a superior order in the state, education and example should always, and will often produce among them a dignity of sentiment and propriety of conduct which is guarded from dishonor by their own and the public esteem. If we read of some illustrious line so ancient that it has no beginning, so worthy that it ought to have no end, we sympathise in its various fortunes; nor can we blame the generous enthusiasm, or even the harmless vanity, of those who are allied to the honors of its name*."

In the preceding Genealogical History, some account has occasionally been given of the characters and actions of several of the Stuarts of Derneley, Lennox, and Aubigny during the course of many generations; which account has been taken from the most authentic sources of information that could any where be discovered. No facts relating to them have been stated without specifying the authority from whence taken. It is therefore in the power of every man to consult these authorities, and to satisfy himself of the accuracy of the accounts given.

* Gibbon's Memoirs of his own Life and Writings, vol. i. p. 3.

After obtaining sufficient information of the characters and conduct of the successive representatives of the Stuarts of Derneley, Lennox, and Aubigny, it must be left to the judgment of every impartial reader to decide whether they fall under the description first given of insignificant persons, unprofitable to their country, and as such fit to sink into oblivion; or whether they ought to be considered as a gallant and a worthy race, well entitled to general esteem and to the grateful remembrance of their country.

It has long been a subject of regret that no historian or antiquary had ever taken the pains to collect, from the various sources of just information, the facts and events in which the families of Derneley, Lennox, and Aubigny were so much interested as principal actors. Nay, there is not even any tolerably accurate genealogical account of the successive representatives and members of these families. Every account hitherto given by the Genealogical Writers is full of errors, even as to dates and the names of persons, and other material particulars, so much so, that, in drawing up this History, one great labor has been, to trace and to correct the numerous errors of those authors who had pretended to give a genealogical account of the Stuarts of Derneley, Lennox, and Aubigny, or of detached parts of their history*.

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* In confirmation of what has been said concerning the remarkable inaccuracy of the Genealogical Writers in what relates to the Derneley and Lennox families, it may be proper here to mention that George Crawfurd himself, an Author who had written much upon the subject of these families, both in his History of the Shire of Renfrew, and in his Peerage of Scotland, was sensible that what he had written was very defective and erroneous; particularly in the early period of their history; and therefore that he meant to have those errors corrected in a new edition of his Peerage: with a view to which he had got a printed copy of his Peerage interleaved with blank paper bound up in two volumes, for the purpose of intended corrections and additions; and it further appears that in that copy he had cancelled, or torn out several printed pages of what related to the Lennox family, and substituted in their place many manuscript notes. This fact, and the manner in which it came to the

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The opportunities which the Author had of examining records, public libraries, and private collections in France and in Italy, as well

Author's knowledge, will appear from the following copy of a memorandum taken on the 16th of January 1793, the very day on which he had perused the above-mentioned copy of the Peerage, which belonged originally to George Crawford himself, and was purchased from his heirs by Mr. Cumming of the Heralds' Office at Edinburgh. The memorandum taken by the Author on that occasion, and inserted on p. 184, of a book which he kept for entering memorandums relating to the Derneley and Castelmilk affairs, is in these words :

“ January 16, 1793.

“ Have this day had an opportunity of glancing over Crawford's Peerage of Scotland, in two volumes, belonging to Mr. Cumming of the Heralds' Office, who purchased it from the heirs of George Crawford the author.

“ The plan of these two volumes is, that George Crawford the author has in many parts made manuscript additions and corrections upon the first edition of his Peerage, which he seems to have been sensible was very defective and erroneous ; and these corrections appear to have been made with the view to a new and more correct edition of the Peerage, which he did not live to execute.

“ In particular it appears that he was sensible that his first edition of the Lennox family was very defective, especially in the early part of their history ; for in this copy in Mr. Cumming's possession, George Crawford has cancelled or torn out pages 255, 256, 257, and 258, of the first edition, and has substituted in place of them many manuscript notes of his own. In particular there is at the top of page 259 of the printed copy, this note of George Crawford's writing :

“ Line Make Sir William Stuart of Castelmilk, to be a son of Sir Alexander of Darnley, brother to Barscube, but no authority but my own account in my manuscript of the shire of Renfrew.”

“ From this note it would be desirable to see the manuscript copy of George Crawford's History of the Shire of Renfrew, where it appears that he had stated Sir William Stuart of Castelmilk to be the son of Sir Alexander Stuart of Derneley, though it is not so stated in his printed History of Renfrew.

“ Crawford certainly must, at the time of his composing that manuscript, have seen some evidence for the above fact, though the recollection of it appears to have escaped him at the time of his writing the above note on the printed copy of his Peerage. It would therefore be very desirable to find out his manuscript copy of the History of the Shire of Renfrew, which may be either in Mr. Cumming's hands, or in the hands of Mr. Crawford of Cartsburn's heirs.—This to be mentioned to Mr. Robertson of Bedley, and to Mr. Dillon.

“ Inquiry

well as in England and in Scotland, enabled him to correct many former errors, and to ascertain facts with their dates and circumstances, in a manner which, if at all practicable without possessing those advantages, could not easily have been accomplished by any one without dedicating much time and labour to the prosecution of a work of this nature.

With these advantages, and possessing also the advantage of having had, during the years in which he has been engaged in this work, much more the command of his time than had fallen to his lot at any former period of his life, the Author felt it to be a *species of sacred duty on him* to collect from the most authentic sources

"Inquiry to be made at Mr. Cumming whether, in that part of Crawford's Peerage between pages 254 and 259 of the printed copy, there were not more interjected manuscript leaves relating to the Lennox family than what now appears; for at present there is but one interjected leaf of manuscript, and manuscript notes on the margin of pages 259, 260, 261, and 262 of the printed copy.

"In the manuscript leaf interjected between pages 254 and 259 of the printed copy, there is the following article by George Crawford:

"Walter Stuart, the Duke of Albany's son, being accused of treason with this Earl his grandfather, and were all condemned by the same assize, and executed at the of the Castlehill of Stirling; and so the estate of Lennox was, by the Earl's treason, forfeited to the Crown, so that his heirs had no title to claim it.

"So that house of Lennox came to the Crown, and was given for a title of honour by King James, who bestowed it on John Lord Derneley.

"It is all a fable that ever Duke Murdock's forfeiture was reduced, or that ever the heirs of Duncan Earl of Lennox did produce any kind of right to his estate that was in the Crown in 1471, when it was given to Andrew Lord Avendale for life; and it was of mere grace and favor, and upon a bargain with the Lord Avendale, that John Lord Derneley was created Earl of Lennox in the year 1484, which is the precise year that he is first designed Comes de Lennox; but it is certain that James Haldane of Gleneagles was returned to him Earl Duncan, but it has been dispensed with in 1491; but in the return which I have seen, there is no dispensation in it at all."

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the materials for furnishing to the world a true and accurate Genealogical History of the Derneley and Lennox Families, with some short sketches of their actions and characters, calculated to give a general notion of what related to them, and to excite others to an examination of the sources from whence a more particular acquaintance with their characters and actions might be acquired and communicated.

In the mean time, even the short and imperfect sketches contained in these sheets may perhaps be sufficient for shewing, that the families of Derneley, Lennox, and Aubigny have, in the course of many successive generations, produced such remarkable instances of great and worthy characters as may be of advantage to be known, for the sake of exciting others to follow their example.

THE SECOND POINT proposed to be considered, as resulting from the facts established by the contents of the preceding Parts of this Genealogical History, relates to the *Identity* of Sir WILLIAM STUART of Castelmilk, Knight, with Sir WILLIAM STUART, Knight, the brother of Sir JOHN STUART of Derneley. On this Point it may be requisite to enter into some detail, and to submit to the strictest investigation the following particulars:

The proposition intended to be established is, that Sir William Stuart, the son of Sir Alexander and the brother of Sir John Stuart of Derneley, was precisely the same person with Sir William Stuart of Castelmylke, who is mentioned in Rymer's *Fœdera*, in the year 1398, as one of the sureties given on the part of Scotland for
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the preservation of the peace of the Western Marches between England and Scotland.

In disquisitions of this sort, where the object is to discover the identity or diversity of persons described under different designations, there are some preliminary observations requisite to be attended to, in order to guide us to a just and certain conclusion.

It is requisite, in the first place, that it should clearly appear that Sir William Stuart described of Castelmilk, and Sir William Stuart described as the son of Sir Alexander, or as the brother of Sir John Stuart of Derneley, lived precisely in the same period; and that the age and rank, and other circumstances relating to the one, corresponded with those known to relate to the other.

At the same time it must be admitted, that whatever number of circumstances may be collected together for shewing a correspondence or identity between Sir William Stuart of Castelmilk and Sir William Stuart son of Sir Alexander Stuart of Derneley; yet if any one circumstance relating to the one be such as is totally inconsistent with or inapplicable to the other, that single circumstance will destroy the effect of any given number of circumstances of coincidence, and prove fatal to any supposition of the identity of the persons so described; the fair conclusion must then be, that these different descriptions or designations did not apply to the same, but to two different and distinct persons.

Having made this admission, it is also reasonable to conclude, that if in a great variety of facts and circumstances there shall be found a perfect coincidence, such as to make it appear beyond all the rules of probability that the same incidents should have happened at the same time to two different persons of the same name; and that it shall also appear, that no circumstances or incident known to belong to the one was such, as to be totally inconsistent with or inapplicable to the other; then it may be considered as a just and true proposition, that the corresponding circumstances did not relate

to two separate distinct persons, but to one and the same person, whose designation was occasionally varied; of which there are thousands of similar instances in the histories, as well as in the charters and other written documents of ancient times.

To authorize a conclusion such as that which has now been mentioned, it would not be sufficient to specify or rest upon a few facts or circumstances; there must be a great variety of facts, incidents, and circumstances of coincidence.

In the present case, the first circumstance to be considered relates to the history and origin of the title of Castelmilk; for it is solely this designation which at first sight creates a doubt whether Sir William Stuart, designed of Castelmilk, could be the same person with Sir William Stuart, the son of Sir Alexander, and the brother of Sir John Stuart of Derneley. And it must be admitted, that if there were no evidence that Sir Alexander Stuart of Derneley, or his son Sir John, had any connection with the lands and estate of Castelmilk, either as the superiors or the proprietors of these lands, then the designation of Castelmilk enjoyed by Sir William Stuart in 1398, would be adverse to the supposition of his being the son of Sir Alexander, or the brother of Sir John Stuart of Derneley; and a just prejudice would be entertained against any attempt for identifying these two persons.

But if, on the other hand, it be established by solid evidence, as in this case it has been, that so far from there being no connection between the Stuarts of Derneley and the lands of Castelmilk, that these very lands of Castelmilk did actually belong to the Stuarts of Derneley, and that Sir John Stuart of Derneley, the son of Sir Alexander, made up his titles to these lands of Castelmilk, which were held by him under the Lords of Annandale as his Superiors thereof, and continued for many generations to be held by the successors of that Sir John Stuart under the Lords of Annandale while they existed, and afterwards under the Crown; while at the same time the said

Sir William Stuart and the descendants from him held the property of the same lands of Castelmilk immediately of and under the Stuarts of Derneley, the successors of Sir John Stuart of Derneley: then the circumstance of Sir William Stuart being designed of Castelmilk, instead of being repugnant to the supposition of his being the brother of Sir John Stuart, will furnish a link in the chain of circumstances by which it is to be proved that this Sir William Stuart of Castelmilk was truly the brother of Sir John Stuart of Derneley.

If a person of the name of William Stuart obtained from the Derneley family a grant of the property of the lands of Castelmilk, which gave rise to his being described Sir William Stuart of Castelmilk, while it is certain that Sir John Stuart had a brother of the name of William, the following question may reasonably be put: Whether is it more likely that Sir John Stuart should have made a grant of the property of the lands of Castelmilk in favor of a William Stuart who was his own brother, or in favor of another William Stuart who was a more distant relation or no relation at all? This would be the fair state of the question supposing it proved, or probable, that besides William Stuart, Knight, the acknowledged brother of Sir John Stuart of Derneley, there had existed precisely at the same period another William Stuart, Knight, with similar or colourable pretensions for his being considered as the person who had received from Sir John Stuart of Derneley the grant of the lands of Castelmilk. But there is no evidence, or shadow of evidence, of that sort or of that tendency. It would therefore be conceding too much to sceptical suppositions, first, to take it for granted that another Sir William Stuart with several concurring circumstances, but different from William the brother of Sir John Stuart of Derneley, had existed precisely at that period; and then to suppose that Sir John Stuart of Derneley preferred that other William to his own brother William in the grant of the lands of Castelmilk: and yet without the

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concurrence of both these suppositions it is impossible to allot to any other person than Sir William Stuart the brother of Derneley, the role of being Sir William Stuart of Castelmilk.

The presumption that the grant of the property of the lands of Castelmilk must have been given by Sir John Stuart of Derneley to his brother William, is strongly fortified not only by the practice of ancient times, when it was usual for the elder brother and representative of the family to give to the younger brother, either as a provision, or from motives of favor, a certain portion of lands to be held immediately under the granter and his heirs; but also by the instances which have been given of that being the practice in this very family of the Stuarts of Derneley, and at a period too very near to that in which Sir John Stuart of Derneley and his brother William lived.

If, notwithstanding these considerations, it should still be maintained, that Sir William Stuart of Castelmilk was a different person from Sir William Stuart the brother of Sir John of Derneley; then it would be incumbent on those who maintain that proposition, to find out a Sir William Stuart to whom a variety of circumstances of coincidence would be equally applicable, as those which are known to have taken place with respect to Sir William Stuart the ascertained brother of Sir John Stuart of Derneley, and Sir William Stuart of Castelmilk.

This leads to the detail of various circumstances of coincidence which serve to establish the identity of these two Sir William Stuarts.

(I) COINCIDENCE in point of Rank and the Period in which they lived.

The rank held by Sir William Stuart of Castelmilk, and the period in which he lived and died, form one circumstance of coincidence.

It has been shewn that Sir William Stuart, son of Sir Alexander Stuart of Derneley, was present with two of his brothers, Alexander and Robert, in the Baron Court of Camnethan, held by Sir Alexander Stuart of Derneley on the 13th of October 1390; and that William Stuart was at that time described as *Miles* or Knight, though neither of his brothers Alexander or Robert had attained that honor.

It has also been shewn that Sir William Stuart, designed of Castelmilk, in the year 1398, had attained the honor of knighthood, for he is expressly designed "de Castelmilk, Miles."

In this respect therefore there was a coincidence as to the rank of knighthood enjoyed at or about the same period.

(2) The SITUATION enjoyed by Sir WILLIAM STUART of Castelmilk, and the LANDED ESTATES belonging to him.

But further, the situations and possessions which are known to have been enjoyed by Sir William Stuart of Castelmilk, were such as might naturally be expected to have been enjoyed by a younger son of Sir Alexander, or a younger brother of Sir John Stuart of Derneley: for Sir William Stuart of Castelmilk, Knight, was, in the year 1398, one of the sureties on the part of Scotland for preserving the peace of the Western Marches between England and Scotland; which honourable situation was allotted to him in conjunction with Sir John de Johnston, ancestor of the Marquis of Annandale, Sir John de Carlisle, and other persons of high rank and distinction.

Further, Sir William Stuart is described as cousin to Archibald Earl of Douglas in an original charter still extant by that Earl about the year 1411, in favor of John de Park; to that charter Sir William Stuart of Castelmilk is a witness, and the Earl of Douglas describes him

as *dilectus consanguineus noster*. The Stuarts of Derneley were unquestionably related to the Earls of Douglas, as appears from the genealogical trees of the Derneley and Douglas families: this accounts for Sir William Stuart of Castelmilk being described as a cousin of the Earl of Douglas, upon the supposition of his being a brother of Sir John Stuart of Derneley, but would be very difficult to be accounted for on any other supposition.

As to the landed property or possessions belonging to Sir William Stuart of Castelmilk and his immediate descendants, it is certain that they had not only the Forty Merk Lands of Castelmilk, and the Ten Merk Lands of Brummell in Annandale; but likewise the lands and estate of Fynnart Stewart in Renfrewshire, being a Forty Merk Land of Old Extent; and further the Forty Merk Lands of Old Extent of Cassiltoun in the shire of Lanark; all which considerable estates were enjoyed by the sons of the said William Stuart, and most probably by himself; and all these three estates remained with the descendants of Sir William Stuart of Castelmilk for many generations. In point therefore of rank, situation, and landed property or possessions enjoyed by Sir William Stuart of Castelmilk, it must be admitted that these were such as were perfectly consistent with what might be expected of Sir William Stuart, the younger son of Sir Alexander, and the brother of Sir John Stuart of Derneley.

(3) The acknowledged RELATIONSHIP between the Descendants of Sir JOHN STUART of Derneley, and of Sir WILLIAM STUART of Castelmilk.

Another strong proof in favour of the identity arises from the acknowledged relationship between the descendants of Sir John Stuart of Derneley and the descendants of Sir William Stuart of Castelmilk; of which there are several instances. There is the precept of *clare constat*

constat before mentioned, whereof the original is still extant, dated 2d November 1579, granted by Robert Lord Derneley and Earl of Lennox, in favor of Archibald Stuart of Castelmilk, as heir to his grandfather Archibald Stuart in the lands of Castelmilk, in which precept Archibald Stuart is described as the *beloved cousin* of the Earl of Lennox the granter of the precept.

But there are instances of acknowledgment of the relationship at more early periods, and much nearer to the time when Sir William Stuart of Castelmilk came off the Derneley family; particularly there is a charter, dated 16th August 1477, (Public Records, Book xii. N° 15.) granted by John Stuart the first Lord Derneley and Earl of Lennox, in favor of Thomas Stuart of Minto, and Isabel Stuart his wife, of the lands of Househill in the lordship of Derneley; in which charter the Earl of Lennox narrates that these lands formerly belonged to Janet Cameron, spouse of *our deceased cousin Walter Stuart of Arthurly*, Knight, and mother of the said Isabel Stuart.

The relationship here acknowledged between John Lord Derneley and Sir Walter Stuart of Arthurly, was equally applicable to all the sons or grandsons of Sir William Stuart of Castelmilk, for it was by his descent from Sir William Stuart of Castelmilk that Sir Walter Stuart of Arthurly became *cousin* to the first John Lord Derneley and Earl of Lennox. There is in the Public Records a charter dated in the year 1439, of the lands of Arthurly in favor of Walter Stuart, wherein he is expressly designed son of the deceased Sir William Stuart of Castelmilk, Knight. That Walter Stuart was the father of Sir Walter Stuart of Arthurly, whom the Lord Derneley here acknowledges to be his cousin; and this was at a period not fifty years after the death of Sir William Stuart, who died in the year 1429.

John, the first Lord Derneley and Earl of Lennox, who made the above acknowledgment, was a married man in the year 1438, and,
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most probably, was personally acquainted with his grand-uncle Sir William Stuart, who had died but nine years before that time; at least he could not be ignorant of the degree of relationship that subsisted between them, and between himself and the sons and grandsons of that Sir William Stuart: he here acknowledges the grandson of that Sir William Stuart to be his *cousin*, which is precisely the degree of relationship between the grandson of Sir William Stuart and the grandson of Sir John Stuart of Derneley, upon the supposition that Sir John and Sir William were brothers.

If there had been now extant any writing or authentic instrument wherein this John first Lord Derneley had expressly acknowledged and declared that Sir William Stuart of Castelmilk was his grand-uncle, or, in other words, the brother of his grandfather Sir John Stuart of Derneley, such instrument, it must be admitted, would of itself have afforded a complete proof of the point in question. Therefore the instrument now referred to, wherein that John Lord Derneley acknowledges the grandson of that Sir William Stuart to be his cousin, goes near to the same point.

It may further be remarked, that at the time, and upon the occasion when John Lord Derneley made this acknowledgment of Sir Walter Stuart of Arthurly having been his cousin, it was not liable to the interpretation of its being meant as a compliment to Sir Walter Stuart, or as a piece of flattery for gaining his good will and attachment; for the instrument itself shews that Sir Walter Stuart was at that time deceased, therefore the description of him as *beloved cousin* of John Lord Derneley, the granter of the charter, could proceed from nothing but the force of a well known truth that they really stood in that degree of relationship.

At a subsequent period, to wit, in the year 1515, there is a charter and precept, dated 20th September 1515, granted by John Stuart,
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the third Lord Derneley and Earl of Lennox, in favor of James Stuart, son of Alexander Stuart of Castelmilk, wherein it is expressed, "that for the singular love and favor which he John Lord Derneley bore to his *beloved cousin James Stuart, son of Alexander Stuart of Castelmilk,*" he gave to him and to Janet Auchinleck his spouse, and to the longest liver of them during their lives, the Forty Shilling Land of Old Extent of the town of Kype, lying in the barony of Avendale and shire of Lanark.

James Stuart here described as the cousin of John Earl of Lennox was the second son of Alexander Stuart of Castelmilk.

(4) The long and uniform CONNECTION between them.

Of this connection many strong proofs, some of them on critical and important occasions, have been given in the course of the preceding History: particularly the memorable instance of the strong connection between the Stuarts of Derneley and the Stuarts of Castelmilk in the year 1489, when there were no less than five of the Castelmilk family, to wit, the proprietor Sir William Stuart of Castelmilk, with his two sons and two nephews, who had joined and confederated with Matthew Stuart, the son and heir apparent of John Earl of Lennox, and his two brothers Alexander and Robert, in the holding out the Castle of Dumbarton against his Majesty's royal authority, and in the burning the town of Dumbarton. For which rebellious conduct, both the Stuarts of Derneley and the Stuarts of Castelmilk stood in need of, and obtained, a pardon or remission, dated 12th February 1489-90, which was granted by King James IV. with consent of the Three Estates of the kingdom assembled in full Parliament.

Another proof of the connection between the Stuarts of Derneley and Lennox, and the Stuarts of Castelmilk, arises from the terms of
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of a bond of manrent granted by Archibald Stuart of Castelmilk, to Robert Lord Maxwell, dated 23d May 1528. The original of that bond of manrent, with twenty other original bonds of manrent, are still in the possession of the heirs of that Robert Lord Maxwell, who in those times was a very powerful Lord, to whom many of the great proprietors in Scotland attached themselves by bonds of manrent. The bond granted by Archibald Stuart of Castelmilk was in the usual style of bonds of manrent, but with this peculiarity in it, that there is an exception in the following words: "Excepting
 " that I shall not be compelled by this my bond to come with the
 " said Robert Lord Maxwell, or stand with him in any actions
 " contrary to my Lord of Levenax." None of the other bonds of manrent to Lord Maxwell contained any similar clause or exception, whence it appears that Archibald Stuart of Castelmilk felt himself particularly connected with the Lennox family, and in a manner preferable to every other connection.

(5) ARMS and ARMORIAL BEARINGS, and MOTTOS.

A further proof of the identity of Sir William Stuart the brother of Sir John of Derneley, and Sir William Stuart of Castelmilk, arises from the arms, armorial bearings, and mottos of the families of Derneley and Castelmilk. The arms of the Stuarts of Derneley and the Stuarts of Castelmilk were precisely the same, with the difference only of what served to distinguish the elder from the younger branch of the same family.

With regard to the motto, Nisbet, in his Book of Heraldry, vol. ii. p. 24. gives an account of mottos and cries of war, and says that "Cries of War, or cries de guerre, belonged anciently
 " to none but to Sovereign Princes, Dukes, Earls, great Barons, and
 " Chiefs of potent families who had the command of troops of
 " men; by which cry they gathered them, led them on to battle,
 " and when distressed or put into confusion did rally them." The

same author, p. 25, says, "Cries of war are ordinarily placed as
 "mottos upon escrolls above the crest, as that of France is at this
 "time placed over the pavilion of the arms of France; as also that
 "of the Dukes of Lennox, '*Avant Derneley*,' ever since the old
 "cry became the motto of the family.

"Many old families with us and abroad use their old cries in
 "place of mottos, having no use of them of late, the way of
 "fighting being altered, so that now they are only marks of great-
 "ness and power, and continued for the antiquity and honor of
 "families."

The above extracts from Nisbet leave no room to doubt that the motto of "*Avant Derneley*" was the *crie de guerre* of Sir John Stuart of Derneley, who went over to France about the year 1420 or 1421, in the rank of Constable of the Scots army which assisted Charles VII., and enjoyed during many years a distinguished military command in that country. His brother William Stuart went to France at the same time, and during many years distinguished himself in military exploits, and was killed in the same battle with his brother in February 1429, during the siege of Orleans.

As the *crie de guerre* or motto of the elder brother Sir John Stuart of Derneley was "*Avant Derneley*," it was not unnatural that the motto of the immediate younger brother William and his descendants should be "*Avant*," leaving out the word Derneley as belonging only to the elder branch.

When therefore we find that the motto of the Stuarts of Castelmilk, descended from the first Sir William Stuart of Castelmilk, has uniformly been "*Avant*," as far back as can be traced, this may be allowed to add to the other circumstances in support of the identity of Sir William Stuart of Castelmilk, with Sir William Stuart the brother of Sir John of Derneley.

It is remarkable that of all the families of the Stuart name, none but the Stuarts of Castelmilk have been in possession of the motto "*Avant*;" in which motto there is every appearance of an allusion

to "*Avant Derneley*," the motto or crie de guerre of the eldest branch of the Derneley family.

(6) The MILITARY TENURE by which the Lands of Castelmilk were held by the STUARTS of Castelmilk, under the STUARTS of Derneley.

The following particulars may also be considered as deserving a place in the enumeration of circumstances of coincidence or agreement :

The Forty Merk Lands of Castelmilk in Annandale, as appears from the old charters, were held by the Stuarts of Castelmilk of and under the Stuarts of Derneley, by the military tenure of wardholding, by which the vassal was bound to attend his Superior in war. There is the most precise and unquestionable evidence that Sir John Stuart of Derneley was attended by his brother Sir William Stuart in his warlike expeditions in France : he was his faithful companion in all enterprises of hazard. This increases the probability that this Sir William was the proprietor of the lands of Castelmilk ; by the military tenure of which he was bound to attend his brother Sir John of Derneley in his military expeditions. Can it be supposed that Sir John Stuart of Derneley would not have carried to France with him his military vassal of the lands of Castelmilk ? It is certain that he carried with him his own brother Sir William Stuart ; and if the vassal in Castelmilk had been a different person from that Sir William Stuart, then the consequence would be, that Sir John Stuart of Derneley had carried with him to France two Sir William Stuarts ; and some mention would have been made of both of them in the French records and histories of that period ; but in these records and histories there is no mention of any William Stuart, excepting William the brother of Sir John Stuart the Constable of the Scots army, of whom frequent mention is made. There is therefore no evidence, or shadow of probability that Sir John Stuart had carried with him to France any other

IDENTITY OF SIR WILLIAM OF CASTELMILK, WITH

Sir William Stuart besides Sir William his own brother; which affords an additional circumstance in the chain of evidence, for shewing that Sir William Stuart, the military vassal of Sir John Stuart of Derneley in the lands of Castelmilk, must have been Sir William, the brother of that Sir John Stuart who was the Superior of the lands of Castelmilk.

(7, 8) Sir WILLIAM STUART, killed and buried in France.

All authors agree, and it is ascertained beyond a doubt, that after the battle des Harans, in which both the brothers Sir John and Sir William were killed, their bodies were carried to Orleans and interred with great funeral pomp in the cathedral church of St. Croix of Orleans, in the chapel of Notre Dame Blanche, behind the choir, where, in consequence of a foundation made by Sir John Stuart, a mass was said daily for him and for his family; and that mass, known by the description of the Scotch Mass, was continued to be said daily down to the present times. The bodies of Sir John Stuart of Derneley and of his brother Sir William Stuart never were brought to Scotland, but remained in France: and some additional evidence of the body of Sir William Stuart of Castelmilk having remained in France arises from

The Mass founded in 1473 by MATTHEW STUART, son of that Sir WILLIAM STUART, and the inference from it.

Matthew Stuart, of Cassiltoun, Castelmilk, and Fynnart, son of the said Sir William Stuart of Castelmilk, made a donation in the year 1473, to the Convent of the Predicant Friars of Glasgow of ten merks yearly, for a mass to be said for his soul, and for the souls of his "mother and bairns, whose bones rested in that convent." The terms here made use of are deserving of attention; for it appears from thence, that the mother and children of the said Matthew Stuart had been buried in that convent, *but*
not

not his father. This is perfectly consistent with the known established fact of Sir William Stuart having been buried in a foreign country, and of his bones remaining at Orleans, where a mass was established for the souls of Sir John Stuart of Derneley's family. But it would be difficult to be accounted for upon the supposition of Sir William Stuart's having died in Scotland; as in that case the presumption would be that he would have been buried in the same convent where it appeared that his wife and children had been buried, which was the convent of the Predicant Friars at Glasgow. And it is to be observed, that the Derneley family had a particular attachment to that convent; for the first Sir John Stuart of Derneley executed a deed in September 1419, before his setting out for France, by which he mortified to the Predicant Friars of Glasgow two bolls of corn and two bolls of bear from the mains of Cruxton, and two bolls of meal from the mill of Derneley; and Alan Stuart, the son and heir of Sir John Stuart of Derneley, granted a deed, 19th of January 1433, by which he mortified to the said Predicant Friars of Glasgow twenty shillings yearly out of the lands of Cathcart; and there are other proofs of the connexion between the Derneley family and that convent*.

(9) The PROGRESS of the TITLE DEEDS relating to the Superiority and Property of the Lands of Castelmilk, clearly indicate that Sir WILLIAM STUART'S Right to the Property of the Lands of Castelmilk must have proceeded from Sir JOHN STUART of Derneley.

It has been shewn, that in 1387 Sir John Stuart was *Dominus de Castelmilk*; and that he had made up his titles to these

* These three deeds of mortification by Sir John and Alan Stuart, and by Matthew Stuart, are in the possession of the University of Glasgow, who succeeded to the revenues of the Predicant Friars of Glasgow.

lands, and had been received by the Lord of Annandale, the Superior, as his vassal therein.

It has also been shewn that these lands were in non-entry from the death of Sir John Stuart in February 1429 till the year 1468, when his grandson John Stuart, Lord Derneley, was received by the Duke of Albany, then Lord of Annandale, as his vassal therein.

Upon the forfeiture of the Lords of Annandale, that lordship vested in the Crown, and it has likewise been shewn that Matthew Stuart, Lord Derneley and Earl of Lennox, son of the said John first Lord Derneley, and great-grandson of the first Sir John Stuart, made up his titles to these lands of Castelmilk in the year 1496, as vassal therein to the crown.

The manner in which the successors of the said Matthew Lord Derneley made up their titles to these lands of Castelmilk has also been stated, from whence the connexion of the Stuarts of Derneley and Lennox with the lands of Castelmilk, at every period from the year 1387, down to the commencement of the last century, or at least till the time of the forfeiture of Matthew Earl of Lennox in the sixteenth century, is very apparent.

On the other hand, all the descendants from Sir William Stuart of Castelmilk, who is mentioned in the year 1398 by Rymer, have in their several generations been specified in the preceding History and in the Genealogical Table connected with it; and it has been shewn that the same lands of Castelmilk in Annandale, to wit, the Two-thirds or Forty Merk Lands of Castelmilk, whereof the superiority was enjoyed by the Stuarts of Lennox, were constantly enjoyed in property by the descendants from the said Sir William Stuart, who uniformly took the title of Stuarts of Castelmilk, though they occasionally took the titles also of Fynnart, or Fynnart Stuart and Cassiltoun; and that these Stuarts, the proprietors of Castelmilk, made up their titles to the lands, not by charters or precepts from the Lords of Annandale, but by charters or precepts of
clare

clare constat from the Derneley or Lennox family as their immediate superiors.

If Sir William Stuart of Castelmilk had been a person different from Sir William Stuart the brother of Sir John Stuart of Derneley, then it is presumable that in the histories or records of Scotland, some traces would have appeared of a family of the Stuarts of Castelmilk different from the Stuarts of Derneley, and anterior to the time either of Sir John Stuart of Derneley, or of Sir William Stuart of Castelmilk; but no traces are any where to be discovered of any person of the name of Stuart having been connected with the lands of Castelmilk before the Stuarts of Derneley. And as the first appearance of Sir William Stuart under the title of Castelmilk was in the year 1398, at which time it is certain that Sir John Stuart had a brother of the name of William, who was a Knight (Miles), the matter comes to the short issue before-mentioned; to wit, there being a certainty that Sir John Stuart had a brother of the name of William, and a certainty also, that the property of the lands of Castelmilk which had belonged to Sir John Stuart was transferred to a Sir William Stuart, whether is it presumable that Sir John Stuart made this grant in favor of his own brother William, or in favor of another William Stuart with whom he had not the same connexion? But before there is room even for this question, it would be requisite to give some satisfactory evidence of the existence at that period of another Sir William Stuart, and of some circumstances relating to him, such as could induce a probability that he might be the proprietor of the lands of Castelmilk.

It must also be supposed, that this other Sir William Stuart, though different from the brother of Sir John Stuart of Derneley, united in his person all the various circumstances of coincidence and resemblance to Sir William Stuart the brother of Sir John, which have been above-mentioned as having existed between the brother of Sir John and Sir William Stuart of Castelmilk.

As

As there is no proof or probability in favor of any of these suppositions, the co-existence of all of them becomes in the highest degree incredible; and yet nothing short of the co-existence of so many improbable events could support the supposition of Sir William Stuart of Castelmilk being a different person from Sir William Stuart the brother of Sir John Stuart of Derneley; while on the other hand, all the known and ascertained circumstances of the case clearly point out the indentity of those two Sir William Stuarts, and in this manner afford a natural, easy, and consistent solution of a question, which would otherwise be involved in endless difficulties and inconsistencies.

(10) The CONCURRENCE of various Authors concerning the RELATIONSHIP between Sir JOHN STUART of Derneley and Sir WILLIAM STUART of Castelmilk.

Sir Robert Gordon of Gordonstoun, who was reckoned a good antiquary, wrote in the last century a History of the Family of Sutherland, in the course of which he has given a pretty full account of the Derneley and Lennox family; and in that account he mentions Sir John Stuart of Derneley and three of his brothers, one of them of the name of William; after the mention of whose name, the manuscript has these words: "This William was slain at the battle of Verneuil in the year of God 1424; of whom the family of Castelmilk is descended."

This Sir Robert Gordon lived about one hundred and fifty years ago; was one of the commissioners appointed by King James VI. of Scotland for managing the affairs of James Duke of Lennox, who succeeded in July 1624 to his father Esme Duke of Lennox; and thereby had access to the papers of the Derneley family, and opportunities of being acquainted with the history of the different branches of that family. His testimony therefore, with regard

regard to William of Castelmilk being a brother of Sir John Stuart of Derneley, is entitled to some weight.

With regard to William Stuart being killed at the battle of Verneuil in France, that is evidently a mistake of the battle where he was killed; which might easily happen from knowing in general that he was killed at a battle in France; a mistake as to the precise battle where it happened was of no consequence, and does not lessen the weight of his testimony as to the more material fact, that of William's being the brother of Sir John Stuart of Derneley, and the ancestor of the Stuarts of Castelmilk.

There has been discovered among the Harleian manuscripts at the British Museum, No. 2218 of the catalogue, an heraldical book, containing a pedigree of the Stuarts from the earliest ages, in which there is the following article relating to Sir John Stuart of Derneley and Sir William Stuart of Castelmilk, where they are placed as brothers thus :

“ John Stuard, Constable of Scot- — “ *William Stuard of Castel-*
 “ land, Earl of Evreux in France, “ *milk*, bore Stuard within a
 “ bore France within a border gules, “ border engrailed gules.”
 “ femy of buckles Or, quarterly, with
 “ Stuard within a border gules.”

It appears that the manuscript in which the above article is found, was bequeathed to Lord Oxford by Mr. Hugh Thomas; and as Lord Oxford died in the year 1724, it must have been written before that period, and may have been copied by Mr. Hugh Thomas from some writing or instrument of a much more ancient date.

There has also lately been discovered in the library of Caius College at Cambridge, a Book of Genealogies, referred to in the printed index of manuscripts in heraldry, given to the College by Dr. John Knight, Serjeant Chirurgeon to King Charles II. This Book of Genealogies, which is written very distinctly and neatly bound, is marked on the back with the number 1219, and on p. 54,
 s s there

there is a pedigree of the Stuarts, beginning with the period of Walter the Stewart who married the daughter of King Robert Bruce, tracing the pedigree of the Stuarts of Derneley and Lennox, and ending with Charles Duke of Richmond and Lennox, who died in the year 1672, in the time of King Charles II. In the course of that pedigree there is the following article relating to John Stuart and William Stuart, who are there placed as brothers :

“ Joannes Stuart, Scotiæ “ Conestabularius, Comes de “ Evreux.”		“ Gulielmus Stuart, Dominus “ de Castlemilk.”
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From the comparison of the Genealogy thus found in Caius College at Cambridge, with that found in the British Museum among the Harleian manuscripts, it is very evident that the one has not been copied from the other ; for they are drawn up on a different plan, and in many particulars they differ from each other : but in this they concur, that in both of them, *Sir William Stuart of Castlemilk* is stated to be the brother of Sir John Stuart of Derneley.

It is admitted, that the facts thus stated in genealogical books, would not of themselves afford any sufficient or conclusive proof ; but when they happen to coincide with a variety of other proofs of a more unquestionable nature, they are entitled to some weight in the scale of evidence ; and at any rate, they shew that the idea of Sir John Stuart of Derneley and Sir William Stuart of Castlemilk being brothers has not taken rise in modern times, nor with those who may now have an interest in establishing that fact, and who till very lately were totally ignorant of the Genealogies found at the Museum and in Caius College in Cambridge.

STATE of the COMPETITION for the REPRESENTATION
of the Derneley and Lennox Families.

EVERY person claiming to be descended from Sir William Stuart, the brother of Sir John Stuart of Derneley, and through that channel claiming to be considered as the heir male and representative of the Derneley and Lennox families, must be equally interested in the whole of the preceding discussions ; and particularly in what has been stated for proving the *identity* of Sir William Stuart of Castelmilk with Sir William Stuart, the son of Sir Alexander and the brother of Sir John Stuart of Derneley ; for without establishing that point, all their pretensions must fall to the ground.

There are only two families in Scotland who pretend to be descended from Sir William Stuart of Castelmilk, or from Sir William the brother of Sir John Stuart of Derneley ; these are, the Earl of Galloway's family, and the family of the Stuarts of Castelmilk in the county of Lanark. No other competitors have hitherto appeared.

On the part of the Earl of Galloway, there has been printed and circulated about two years ago, a paper intitled " A View of the Evidence for proving that the present Earl of Galloway is the lineal Heir Male and lawful Representative of Sir William Stuart of Jedworth, so frequently mentioned in history from the year 1385 to the year 1429."

In that paper the writer of it concurs with the Stuarts of Castelmilk in maintaining, that Sir William Stuart of Castelmilk was the brother of Sir John Stuart of Derneley ; but he goes further, by supposing that Sir William Stuart of Jedworth and Sir William Stuart of Castelmilk were one and the same person : in short, it is alleged on the part of Lord Galloway, that Sir William Stuart of Jedworth was the proprietor of the estate of Jedworth in Tiviotdale, and of the estate of Castelmilk in Annandale ; and that in consequence thereof, he was sometimes described of Jedworth and at other times of

Castelmilk. These facts being assumed, that paper proceeds to state that Sir William Stuart of Jedworth and Castelmilk had two sons; to wit, Sir John Stuart the eldest son, who married the heiress of Dalswinton, of which marriage the Earl of Galloway is descended; and a second son, Sir William Stuart of Castelmilk, from whom the present family of the Stuarts of Castelmilk in Lanarkshire are supposed to be descended. In the said paper, on the part of Lord Galloway, it is related that these lands of Castelmilk were, during some time, enjoyed by Sir John Stuart of Dalswinton the eldest son, as well as the lands of Dalswinton and Jedworth; and that upon his death they went to his younger brother William, the ancestor of the present Stuarts of Castelmilk.

Accordingly, there is on p. 37 of that paper, a pedigree of the Derneley family, commencing from Sir Alexander Stuart of Derneley in the year 1370; in which pedigree Sir John Stuart of Derneley, and Sir William Stuart of Jedworth and Castelmilk, are represented as brothers; and it is stated, that there were two sons of that Sir William Stuart of Jedworth; to wit, John Stuart of Dalswinton, the ancestor of the Earl of Galloway, and Sir William Stuart of Castelmilk, the ancestor of the Stuarts of Castelmilk in the county of Lanark. The same thing is repeated in another more full pedigree of the Derneley family, which is subjoined to the said printed paper drawn up on the part of the Earl of Galloway.

The Author of this present Genealogical History having bestowed several years in the investigation of what relates to the Derneley family, and in tracing the different branches of that family, is ready to admit, that if it can be established by an authentic instrument, or by any thing deserving the name of solid good evidence, that Sir William Stuart of Jedworth was the son of Sir Alexander, or the brother of Sir John Stuart of Derneley, Or that he possessed the lands of Castelmilk, as well as those of Dalswinton and Jedworth, and in consequence thereof was sometimes designed *of Jedworth*, and at

other times of *Castelmilk*; then and in either of these cases, he should be of opinion, that the present Earl of Galloway must be the undoubted heir male and representative of the Derneley family on the failure of Cardinal York, the last of the male descendants from Sir John Stuart of Derneley: for it is very well ascertained that the Earl of Galloway is descended from, and is the true heir male and representative of Sir William Stuart of Jedworth, whose son John married the heiress of Dalwinton.

But the Author has seen no satisfactory evidence of some of the assumed facts above-mentioned, and therefore cannot admit, either that Sir William Stuart of Jedworth was the son of Sir Alexander Stuart of Derneley, or that Sir William Stuart of Jedworth ever was possessed of the lands of *Castelmilk*, or ever enjoyed the title of *Castelmilk*; on the contrary, the course of the evidence which has fallen under his consideration, necessarily decides his opinion and leads him to maintain, that Sir William Stuart of *Castelmilk*, the brother of Sir John Stuart of Derneley, was quite a different person from Sir William Stuart of Jedworth; and the authority of various concurring proofs and circumstances compel him also to maintain, that Sir William Stuart of Jedworth could not possibly be the son of Sir Alexander, or the brother of Sir John Stuart of Derneley, though it may be true, and indeed it seems highly probable, that Sir William Stuart of Jedworth was descended from the same stock with the Stuarts of Derneley; but he must have come from that stock some generations antecedent to the time of Sir Alexander Stuart of Derneley. Various authors indeed have expressly said, that Sir William Stuart of Jedworth, the ancestor of the Earl of Galloway, was descended from Sir John Stuart of Jedworth, a younger son of Sir John Stuart of Bonkill, which Sir John last mentioned was the ancestor likewise of the Derneley family.

With regard to the time of the death of that Sir William Stuart of Jedworth, it will be found to be totally irreconcilable with the
supposition

supposition of his having been the brother of Sir John Stuart of Derneley, whose brother Sir William certainly lost his life in France in the year 1429. But Sir William Stuart of Jedworth had been taken prisoner by Hotspur Percy at the battle of Homildon, on the 14th of September 1402, and was soon thereafter, at his instigation, tried, condemned, and executed as guilty of high treason against the King of England, upon the pretence that he was a subject of that monarch, having in his early youth belonged to the county of Teviotdale, while it was subject to the English Crown. The particulars of his trial, condemnation, and execution are minutely related in the *Scotichronicon*, vol. ii. p. 434 *; where it is mentioned, that Sir William Stuart, therein designed Sir William Stuart of the Forest, which meant the same thing as of Jedworth, or Jedworth Forest, had very ably pleaded his own cause, and that he had been acquitted by the three first juries appointed to try him, but that a fourth jury was assembled, which very unjustly condemned him.

The same facts of Sir William Stuart's being taken prisoner, tried, condemned, and executed, with further particulars, are related by Winton in his *Chronicle of Scotland*; where he is described Sir William Stuart of Teviotdale.

Winton's *Chronicle*, whereof the author was a Canon Regular of St. Andrews, and Prior of the monastery of Lochleven, was composed between the years 1408 and 1418: the latest event noticed by him is a transaction of the year 1418; and he died about the

* "Captus ibi fuit valens Miles, et inter sapientes primus, Dominus Willielmus Stuart de Foresta; et coram Domino Henrico Percy juniore de traditione falso adjudicatus, pro eo quod, cum puer esset, antequam Thevidalia venit ad pacem regis, ipse sicut ceteri de Patria, Anglicatus erat et de necessitate; de hoc acrius accusatus, sed sagaciter sua propria peroratione defensus, tres Anglorum assisas tanquam immunis evasit, sed et dictus Percy, qui Hotspur dicebatur, inveterata excandescens malitiæ probitati nimium, et sapientiæ militis invidens, non passus est ipsum sic libertate donari; sed et de assentatoribus suis nova assisa electa præpropere, et perperam condemnatur, et tanquam traditor, tractus et demembratus innocens martyr pro justitia passus a plerisque etiam Anglis reputatus est."

year 1424. The continuation of the *Scotichronicon* by Walter Bowmaker, Abbot of St. Colomb, must have been written at some period between the year 1385, when he was born, and the year 1449, when he died. Both these authors, therefore, must have been well qualified to write an account of events so recent as those of the battle of Homildon and the trial and execution of Sir William Stuart, which had happened in their own time. There is internal evidence that the one author did not copy from the other; and further there is reason to believe, that neither of them could have had an opportunity of seeing the works of the other: they differ in some of the circumstances, but they are both agreed, and affirm with certainty, that Sir William Stuart was taken prisoner at that battle, and that he was tried, condemned, and executed soon thereafter; and that Hotspur Percy was the principal cause of his condemnation. It must have happened then in the period between the 14th of September 1402, the date of the battle of Homildon, and the 21st of July 1403, the date of the battle of Shrewsbury, when Hotspur Percy was killed*.

There

* Winton's Chronicle in manuscript had long been held in estimation, and referred to by historians and antiquaries, on account of the author's veracity and character.—That Chronicle was, according to the fashion of remote times, written in a sort of verse; and on pages 401, 402, 403, of volume ii. of the lately printed edition, after mentioning the battle of Homildon, there is the following account of what related to Sir William Stuart:

“ Schire William Stewart of Teüidale
 “ That day wes táne in that batale,
 “ And ane-uthir gud Sqwyere,
 “ That be name wes cald Thom Kere:
 “ This Schire Henry de Percy
 “ Thá twa demaynit unlauchfully:
 “ As in jugemente sittand he
 “ Gert thir twa accusit be,
 “ That thir twa before then
 “ Had bene the King of Ynglandis men,
 “ And armyt agane hym ware: for-thi
 “ Thai ware accusit of tratowry.

“ Suá

There can be no reliance on any historical fact whatever, if credit is not due to this fact relating to Sir William Stuart, ascertained as it is by contemporary authors of great reputation, who could have no

" Suá in coloure of justis,
 " Set it wes náne, he rasit assis.
 " Ane assis first máid thaim qwyte;
 " Bot this Percy wyth mare dispyte
 " To this asis ekyl then
 " Mare malicious felone men,
 " That durst nocht do, but all as he
 " Wald; swá behovit it to be.
 " Than accusit he thir twa men
 " Sarare fer, than before then.
 " Be this accusatioune
 " Of dede thai tholit the passioune:
 " And of thare quarteris he gert be set
 " Sum in-til York upon the yet.
 " In-til Yngland wes a man,
 " That oft oisit to speke than
 " Syndry thingis, or thai fell,
 " Bot of quhat spirite, I can-nocht tell:
 " Quhen he hard, as this wes done,
 " Quhare hym likyt, he said rycht sone;
 " ' Men may happyn for to se,
 " ' Or a yere be gáne, that he,
 " ' That gert yone lym be yondyr fet
 " ' Now apon yon ilke yhet,
 " ' His awyn lym to be rycht swá,
 " ' Swá may fal the gamyn to gá.
 " And swá it hapynt that deid done,
 " As yhe fal here eftyr sone."

George Crawford in his manuscript "Genealogical and Historical Deduction of the Stuarts of Dalwinton and Garlies, now Lords Garlies and Earls of Galloway," not only asserts the fact of Sir William Stuart of Jedburgh being the paternal ancestor of the Earl of Galloway; but also concurs with Winton and the Scotchchronicon, that he was taken prisoner at the battle of Homildon in the year 1402; and that at the instigation of Hotspur Percy he was tried, condemned, and executed soon thereafter. G. Crawford bestows much praise and admiration on Sir William Stuart as an heroic and patriotic character, but admits that he had raised the resentment of the Percy family by his hostile incursions and devastations of their estates in Northumberland.

induce-

Inducement to falsify the fact; and who, if they had invented the story of the trial and execution of Sir William Stuart, could so easily have been detected; which would have ruined their characters for veracity, and destroyed the credit of the histories they were then giving to the public. Sir William Stuart alluded to by these historians was a great and distinguished character in those times, and so eminent both in Scotland and in England, that what related to him must easily have been known. If he had not been taken prisoner at the battle of Homildon, or had not been tried, condemned, and executed soon thereafter, but on the contrary, had lived many years after that period, as is stated in the said publication on the part of Lord Galloway; it would have been a most ridiculous attempt for any contemporary author to endeavour to persuade the world that Sir William Stuart, then alive, had been tried, condemned, and executed immediately after the battle of Homildon in the year 1402.

If credit is given to this fact of Sir William Stuart's being put to death in the year 1402 or 1403, as related in the *Scotichronicon* and by Winton; which credit cannot easily be withheld by any man of judgment and impartiality; then it is totally impossible that he could ever have attended Sir John Stuart of Derneley to France in 1420 or 1421; or that any of the actions described as belonging to Sir William Stuart, the brother of Sir John of Derneley, could have been applicable to this Sir William Stuart, whose career of life was finished in 1403.

The competition between the Earl of Galloway and the Stuarts of Castelmilk, for the representation of the Derneley family, will be brought within a narrow compass; for it will depend on this point, which of them shall be able to prove, by the most unquestionable evidence, that he is descended from Sir William Stuart the brother of Sir John Stuart of Derneley.

The remaining part of this Genealogical History shall be dedicated to tracing and proving the pedigree of the Stuarts of Castelmilk in

the county of Lanark, from Sir William Stuart of Castelmilk, the brother of Sir John Stuart of Derneley, down to the present time. It is from that Sir William Stuart that they claim to be lineally descended, without connecting their pedigree in any shape with that of Sir William Stuart of Jedworth. As every link in the chain, and the proofs in support of them, will thus be laid before the Public, it will not be difficult for a discerning reader to judge of the sufficiency or insufficiency of these proofs. Neither does the Author of these sheets grudge the advantages which the Earl of Galloway or any future competitor may derive from thus laying open to them by this publication, all the grounds on which the family of the Stuarts of Castelmilk mean to found their pretensions to the representation of the Derneley family.

In matters of this sort, the only fair and proper object is, that the truth should be ascertained, whether favorable or unfavorable to one family or another; and if any competitor ventures to produce a pedigree or state of facts not qualified to stand the test of the strictest examination, he must take the consequences; ill founded pretensions will justly be set aside to make way for those of other competitors.

In all events, the person who, after the strictest investigation of the evidence, shall finally be the successful competitor for the honor of representing the Derneley family, will at least have one obligation to the Author of this Genealogical History, that he will find the history of the Derneley and Lennox families cleared from a great deal of rubbish, by which means every competitor will be assisted in shaping his course with more precision, and with much less trouble and hazard than must otherwise have fallen to his share; particularly he will be saved the trouble of refuting many gross errors and inaccuracies, with which the history of the Derneley and Lennox families had been perplexed by the Genealogical Writers.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART SEVENTH.

Comprehending the Period from the Year 1398, at which Time Sir WILLIAM STUART of Castelmilk is mentioned in Rymer's Fœdera, down to the present Year 1798; shewing the successive Representatives of the Castelmilk Family during that Period, commencing with the said Sir WILLIAM STUART of Castelmilk, the Brother of Sir JOHN STUART of Derneley, with References to the Proofs.

NINTH GENERATION RESUMED, *from the first* WALTER
Son of ALAN the High Stewart.

Sir WILLIAM STUART of Castelmilk, second Son of Sir ALEXANDER STUART of Derneley.

THE Proofs relating to this Sir William Stuart have been so fully stated in Part Third, and in the Discussion immediately preceding, that little remains to be added here on that subject. It will be sufficient to mention briefly some articles of evidence relating to him, for the purpose of bringing under view the Proofs of his existence at different period towards the close of the fourteenth and the beginning of the fifteenth centuries.

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Rymer's Fœdera, tom. viii. p. 58.

Rymer's Fœdera Angliæ, tom. viii. p. 58, where Sir William Stuart of Castelmilk is named as one of the sureties given on the part of Scotland for the preservation of the peace of the Western Marches of Scotland, in consequence of a truce or treaty of peace agreed upon between England and Scotland in the year 1398. The description of him in Rymer's Fœdera is, "*Willielmus Senescal de Castelmylke, Miles*;" and the other sureties with him were Sir John de Johnstoun, (ancestor of the late Marquis of Annandale,) Sir John lile, &c.

This charter is amongst the papers belonging to Sir John Stuart at Castelmilk.

Original charter by Archibald Earl of Douglas, therein described Lord of Galloway and of Annandale, to John de Park and Janet Chisholme, his spouse, of the lands of Gilbertfield in the barony of Drumsfargat, in the shire of Lanark, the testing clause of which charter is in these words: "In cujus rei testimonium, huic præsentî
" cartæ nostræ figillum nostrum fecimus apponi, apud castrum
" nostrum de Bothwell, his testibus, Dominis Willielmo de Haya
" de Loucherwart, Willielmo de Borthwick de eodem, *Willielmo*
" *Senescalli de Castelmylke, Militibus, consanguineis nostris dilectis,*
" *Magistris Alexandris de Cairns præposito de Lyncluden, Mathæo*
" *de Geddes et Jacobo de Fawside ecclesiarum Beatæ Mariæ de*
" *Forresta et de rivale rectoribus clericis nostris, cum aliis multis.*"

There can be no doubt that Sir William Stuart of Castelmilk, here mentioned as a witness, was the same Sir William Stuart of Castelmilk, Knight, who had been mentioned in Rymer's Fœdera in the year 1398. But this charter by the Earl of Douglas does not specify any precise date; and the question is, Upon what date, or in what year it was granted, and particularly whether it was granted before or after the year 1409? The solution of which question happens to be of some consequence, for the reasons to be immediately mentioned.

It

It will be found that the contents of the charter, and the seal appended to it, afford solid ground for ascertaining pretty nearly the date of it, or at least for proving that it must have been granted subsequent to the year 1409.

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In the charter above-mentioned in favor of John de Park, the Earl of Douglas is described as Lord of Galloway and of *Annandale*; it must therefore have been granted subsequent to the time when that Earl of Douglas was first created Lord of Annandale.

Nothing can be more certain than that the Earl of Douglas's first right to the lordship of Annandale was that which was conferred upon him by a Crown charter, dated 2d of October 1409, which is upon record, Roll ii. No. 47; it was the original grant of the lordship of Annandale to the Douglas family. This fixes the date of the Earl of Douglas's charter to John de Park to have been subsequent to the 2d of October 1409 at least. But further, the original grant of the lands of Borthwick to Gulielmus de Borthwick, was a charter upon record, dated 4th of June 1410; therefore till that time Gulielmus de Borthwick, one of the witnesses to the above charter, could not be designed "*de eodem*;" but that is his designation in the charter above-mentioned. His designation before obtaining the lands of Borthwick was Gulielmus de Borthwick de Catkine; under which description he is one of the witnesses to the charter granted upon the 2d of October 1409, by Robert Duke of Albany, as governor of Scotland, to Archibald Earl of Douglas, of the lordship of Annandale; therefore the charter from the Earl of Douglas to John de Park must have been of a date subsequent to the 4th of June 1410. But the seal appended to that charter, containing the arms of Annandale quartered with those of Douglas, proves that charter to have been of a still later date than the month of June 1410. For it was not till the beginning of the year 1411, at soonest, that that Earl of Douglas had got prepared and made use of his new seal, with the addition of the arms of Annandale quartered with

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with those of Douglas. To get a new seal prepared, such as was requisite for the Earl of Douglas, after he had obtained the grant of the lordship of Annandale, was in those days, when there were but few artists skilled in workmanship of that nature, a work of some time; and it appears that it was more than twelve months after the date of that grant before the new seal was prepared and used. Of this there is good proof from two original charters still extant, granted by that same Archibald Earl of Douglas, the first of which charters is dated the 4th of November 1410, in favor of Alexander de Cairns; and the other charter is dated in March 1411, in favor of William de Cairns. The seals appended to these two charters* are still extant. The seal appended to the first of these charters of the 4th of November 1410, was the seal made use of by the Earl of Douglas before he became Lord of Annandale; but the seal appended to the second charter, dated the 1st of March 1411, contains the arms of Annandale quartered with those of Douglas. Hence it is evident, that the Earl of Douglas's charter to John de Park, to which Sir William Stuart of Castelmilk is a witness, with the seal of the Earl of Douglas, as Lord of Annandale, appended to it, must have been of a date subsequent to the 4th of November 1410; at which time it appears that the Earl of Douglas had not yet got prepared, or at least had not begun to make use of his new seal as Lord of Annandale.

This charter is in the possession of the Duke of Queensbury, among the archives at Drumlanrig.

Another original charter by Archibald Earl of Douglas, therein designed Lord of Galloway and Annandale, to Simon Carruthers of Moufeward, of the lands of Hodholme, &c. in the lordship of Annandale, dated the 4th of December 1411, to which charter William Stuart, Knight, and described as cousin of the Earl of Douglas, is one of the witnesses. The testing clause of the charter

* These two original charters in favor of Alexander and William de Cairns, were in the year 1788 in the possession of the late Mr. David Erskine, who then shewed them to the Author, for the purpose of ascertaining that in the month of November 1410, the Earl of Douglas either had not got prepared, or did not make use of his new seal as Lord of Annandale.

is in these words: "In cujus rei testimonium, huic præsentī cartæ
 " nostræ sigillum nostrum fecimus apponi, apud Lochmaben, quarto
 " die mensis Decembris, anno Domini millesimo quadringintesimo
 " undecimo, his testibus, Jacobo de Douglas, Scutifero, fratre nostro
 " carissimo, Dominis Willielmo Domino de Græme, Willielmo de
 " Douglas de Middisdale, Willielmo de Douglas de Drumlanrig,
 " Willielmo de Haya de Loucherwart, Willielmo de Borthwick, Um-
 " frido Jardine, *Willielmo Senescallo*, Joanne de Carlile, Thoma de
 " Moravia, et Roberti Herris, *Militibus*, consanguineis nostris, ac
 " multis aliis."

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N. B. Lochmaben, at which place this charter is dated, is in the
 near neighbourhood of Castelmilk, which belonged to Sir
 William Stuart, one of the witnesses to the above charter.

As both these charters were granted by the same Archibald Earl
 of Douglas, Lord of Annandale, and that in both *William Stuart*,
Miles, described as a cousin of the Earl of Douglas, is one of the
 witnesses along with Willielmus de Haya de Loucherwart, and
 Willielmus de Borthwick, who were also witnesses to the Earl of
 Douglas's charter to John de Park; there can be no doubt that it
 was the same Sir William Stuart of Castelmilk who witnessed both
 charters, though his designation of *Castelmilk* is specified only in one
 of them; in the same manner as William de Borthwick is in one
 of the charters described as "*de eodem*," and in the other without
 that designation of *de eodem*, that is to say, without his designa-
 tion.

It is further observable, that the title of cousin to the Earl of
 Douglas was not given at random in these charters; for in the first
 of them a line is drawn between the witnesses who were described as
 cousins of the Earl, and those who were not so described, the ap-
 pellation of cousin finishing with the name of Sir William Stuart of
 Castelmilk, though there followed the names of other three wit-
 nesses to that charter.

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These two charters therefore by the Earl of Douglas, to which his cousin Sir William Stuart, Knight, was a witness, prove in a satisfactory manner, that the same Sir William Stuart of Castelmilk, Knight, who was mentioned in Rymer's *Fœdera* in the year 1398 as surety given on the part of Scotland for the peace of the Western borders, was alive in the year 1411, and enjoying the same title of Sir William Stuart of Castelmilk, Knight. If any doubt could be entertained whether it was the same Sir William Stuart who was witness to the charter in favor of Simon Carruthers of Mousewald, dated 4th December 1411, still the other charter in favor of John de Park, where Sir William Stuart is expressly designed "*de Castelmilk, Miles,*" would of itself be sufficient to establish the fact, that Sir William Stuart of Castelmilk was alive in the year 1411.

The reason why so much pains has here been taken to fix these dates is, for the purpose of refuting a very erroneous account given by George Crawford, in his History of the Shire of Renfrew, concerning the successive representatives of the Castelmilk family. In that history, p. 92, there is the following paragraph :

" The barony of Finnart Stuart, which, in the reign of King
" James II. by the forfeiture of the Earl of Douglas (anno 1445)
" came to Stuart of Castelmilk, whose ancestor was William Stuart,
" a younger son of Sir John Stuart of Darnley, in the reign of
" King Robert II., *John Stuart of Castelmilk his son*, who lived in
" the reign of King Robert III. is a witness in that resignation which
" William Urrie made of Fultoun to the monks of Paisley anno
" 1409. *He was killed at the battle of Verneuil in France in 1424.*
" Archibald Stuart of Castelmilk *his successor*, obtained the lands of
" *Finnart Stuart in the reign of James II.* To him succeeded Alex-
" ander Stuart of Castelmilk, who was returned in these lands
" anno 1500."

Every article in this account given by Crawford is grossly erroneous, and must have been the effect either of shameful inaccuracy, or great

great ignorance of the title deeds and history of the family whose history he here pretended to give an account of. In the first place, it is not true that the lands of Finnart Stewart ever belonged to the Douglas family; or that they came to the Stuarts of Castelmilk by the forfeiture of the Earl of Douglas; for they belonged to the Stuarts of Castelmilk before that forfeiture of the Douglas family. Neither is it true that William Stuart, the ancestor of the Castelmilk family, was William Stuart a younger son of Sir John Stuart of Derneley; for their ancestor was William Stuart, a younger son of Sir Alexander Stuart of Derneley. There is no truth in the assertion, that William Stuart had a son *John Stuart of Castelmilk*. And it is equally false, that a *John Stuart of Castelmilk* was killed at the battle of Verneuil in France, anno 1424. It is also false, that Archibald Stuart of Castelmilk, the supposed successor to that John Stuart, obtained the lands of Finnart Stewart in the reign of James II.; for these lands belonged to the Castelmilk family before the reign of James II. as will be shewn under the next Article relating to David Stuart of Finnart and Castelmilk. The assertion that Alexander Stuart of Castelmilk succeeded to an Archibald Stuart of Castelmilk, is also contrary to the fact; for it will be shewn by indisputable evidence that Alexander Stuart of Castelmilk, who lived in the beginning of the sixteenth century, was the son of a William Stuart of Castelmilk, who was the son of a Matthew Stuart of Cassiltoun, Finnart, and Castelmilk. Hence it appears how completely erroneous Crawford has been in every article of the above pedigree of the Castelmilk family.

The random state of facts thus given by Crawford has however served to mislead some other genealogical writers, who have evidently copied from him without any correction of his errors; and it has also served in some degree to mislead the Author of the printed paper before-mentioned, circulated on the part of the Earl of Galloway; where it has been supposed, that the estate of Castel-

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milk belonged, in the year 1409, to a John Stuart mentioned as a witness to William Urry's resignation of the lands of Fulton; and taking that for granted, it is immediately assumed as a fact, that the John Stuart therein mentioned, was John Stuart of Dalswinton, the ancestor of the Earl of Galloway, who, without any proof, is supposed to have been possessed of the estate of Castelmilk as well as of the estate of Dalswinton; and in order to account for the lands of Castelmilk not remaining with Lord Galloway's family, it is supposed that, after being enjoyed for a certain time by John Stuart of Dalswinton, they went to his younger brother Sir William Stuart who, on the part of Lord Galloway, is asserted to have been the ancestor of the Stuarts of Castelmilk in Lanarkshire.

The only foundation for all this superstructure is what George Crawford has said concerning a witness to William Urry's resignation of the lands of Fulton in the year 1409, under the description of John Stuart of Castelmilk; from which circumstance George Crawford has inferred that this John Stuart was proprietor of the lands of Castelmilk; and further, without appealing to any evidence or authority, has taken the liberty to send him to the wars in France, and to get him killed there at the battle of Verneuil in the year 1424. But it shall immediately be shewn that, even supposing there should be no inaccuracy in the testing clause of the copy of William Urry's resignation of the lands of Fulton referred to by George Crawford, though there is reason to suspect inaccuracy either in the name or description of John Stuart, witness to that resignation *; yet

* The deed referred to is a notarial instrument drawn up by John Hawke, Notary, setting forth what passed on William Urry's resigning the lands of Fulton, in favor of the Abbot and Monks of Paisley, on the 9th January 1409, *the testing clause* of which instrument is in these words: "Præsentibus dictis Johanne Senescallo de Castelmilk, Johanne Sympell, Domino Elliotston, Domino Roberto Maxwell, Domino de Calderwood, Johanne Wallas Ellerslie, Thoma de Crawford de Auchennanys, Johanne Logan Restalrig, Magistro Christophero Towninfret, et Domino Waltero Brus,

yet that there are other infallible facts and circumstances which render that instrument of William Urry's of no manner of consequence in the question about the successive representatives of the Castelmilk family.

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"Brus, rectore et vicario ecclesiarum de Crawford et de Kirkpatrick Glasguensis diocensis, testibus ad premissæ vocatis specialiter et rogatis."

If the above testing clause is accurate, John Stuart, the first named witness, must have been mentioned in some preceding part of that instrument; for the words "*dictis* Johanne Senescallo de Castelmilk" implies that he had been so mentioned; but there is no mention of him any where excepting in the testing clause: therefore it is evident, either that there has been in the original instrument a clause which has been omitted in this copy of it; or that the manner in which John Stuart is mentioned in the testing clause is very inaccurate; consequently cannot be relied upon as to any part of it, without seeing the original instrument, or the true Chartulary of Paisley which belonged to the Monks.

It must be observed, that what is called the Chartulary of Paisley from which that deed is copied, is not the original Chartulary which belonged to the Abbey of Paisley, and afterwards to the Earl of Dundonald's family, but a copy now in the Advocates' Library at Edinburgh, which formerly belonged to Richard Hay of Drumboote, who does not mention how he came by it, nor upon what grounds the accuracy of it may be depended upon. It would be requisite, therefore, before giving complete reliance to the accuracy of the deeds there inserted, either to see the original deeds themselves which authorised that insertion, or to have some evidence that Richard Hay's copy of the Chartulary had been compared with that which belonged to the Abbey of Paisley.

This circumstance above-mentioned gives reason to think that there must be some inaccuracy or omission in the copy of William Urry's resignation, inserted in Richard Hay's copy of the Chartulary of Paisley in the Advocates' Library; and if in that copy of the instrument of resignation there has been an omission of what related to the witness John Stuart, who by his being described *the said* John Stuart must certainly have been mentioned in a former part of the instrument; then it is very probable that his description in the first part of the instrument might, if the whole had been faithfully transcribed, have contained something that would have pointed out more particularly what related to John Stuart, who, in the testing clause is described de Castelmilk; and might have led to a discovery whether there was a mistake in the mention of a John Stuart of Castelmilk, or whether the John Stuart there mentioned was meant to be stated as the proprietor of the lands of Castelmilk, or merely as a tenant in these lands, or a portioner of part of them; either of which suppositions are the more probable, as the real proprietor of the lands of Castelmilk, Sir William Stuart, Knight, was at that time, in the year 1409, alive, and lived many years thereafter.

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It must be admitted, that if it can be shewn that at that very period in the year 1409, or at a later period, there existed a Sir William Stuart of Castelmilk, the known and acknowledged proprietor of that estate, his existence must of itself be destructive of any argument or conjecture founded upon the circumstance of there being a John Stuart of Castelmilk mentioned as a witness to William Urry's resignation in the year 1409. For the supposition of John Stuart's having been proprietor of the lands of Castelmilk in that year must go for nothing, unless those who make use of that supposition can either prove, or make it appear probable, that Sir William Stuart of Castelmilk had ceased to exist before the year 1409; or that he had before that period ceased to be proprietor of the lands of Castelmilk: one or other of these suppositions is indispensably necessary to the admission of a John Stuart as proprietor of these lands of Castelmilk. It must be with a view to make it probable that the first Sir William Stuart of Castelmilk had died before the year 1409, that Lord Galloway lays so much weight on the circumstance of there being a John Stuart described as of Castelmilk in the year 1409 in Urry's instrument of resignation; but the certain proof of Sir William Stuart's existence long after the year 1409, must at once defeat every argument or conjecture founded on the notion of a John Stuart of Castelmilk in Urry's resignation in 1409. It has been proved by the charters before-mentioned from the Earl of Douglas in the year 1411, to which Sir William Stuart of Castelmilk was witness, that the same Sir William Stuart, Knight, mentioned in Rymer's *Fœdera* in the year 1398, was alive in the year 1411, and continued to be described in the same manner, de Castelmilk, Miles.

Further it has in Part III. been proved, in the most conclusive manner, that the same Sir William Stuart, who is admitted by Lord Galloway to have been the brother of Sir John Stuart of Derneley, continued to live till the year 1429, when he was killed in France

in

in the same battle with his brother. This fact has been established beyond the reach of controversy; and not only admitted, but founded upon by Lord Galloway himself, who says, that his ancestor Sir William Stuart of *Castelmilk*, whom he holds to be the same with Sir William Stuart of Jedworth, lived till the year 1429, when he was killed during the siege of Orleans. It is scarcely necessary, therefore, to appeal to the charters before-mentioned, granted by the Earl of Douglas in 1411, for proving that Sir William Stuart of Castelmilk was alive in the years 1409 and 1411; for if he lived till the year 1429, which it is admitted he did, he necessarily must have been alive also in the years 1409 and 1411, and in all the years which intervened between the time of the first mention of him in Rymer's *Fœdera* in 1398, and the time of his death in 1429. Hence it follows that, even supposing no mistake in the description of a John Stuart of Castelmilk, as witness to William Urry's resignation in 1409, it can serve no purpose to appeal to that instrument as a proof of the existence of a John Stuart of Castelmilk, in the year 1409, unless it necessarily inferred the *non-existence* of Sir William Stuart the known and acknowledged proprietor of the estate of Castelmilk.

The certain fact is, not only that Sir William Stuart the proprietor of the lands of Castelmilk was alive in the year 1409, but that he continued to live for twenty years thereafter, till he was killed in France in the same battle with his brother in 1429. But this is not the only answer to the inferences and arguments drawn by George Crawford and his followers from the supposed existence of a John Stuart of Castelmilk in the year 1409. There is a further answer in point of fact which, on the part of the Stuarts of Castelmilk is confidently asserted, to wit, that there *never was a John Stuart proprietor of the lands of Castelmilk*, either in the year 1409, or at any other period in the fifteenth century. They are confident that it will not be in the power of any person whatever to produce real
solid

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solid evidence of a John Stuart proprietor of the lands and estate of Castelmilk, excepting Sir John Stuart of Derneley, who was Lord of Castelmilk in the year 1387, as already mentioned.

The family of the Stuarts of Castelmilk in the county of Lanark connect their pedigree directly with Sir William Stuart of Castelmilk, Knight, mentioned in Rymer's *Fœdera* in the year 1398, who lived down to the year 1429; and as they do not connect their pedigree in any shape with a John Stuart of Castelmilk, whom they consider as an ideal person, they are under no obligation to account for that John Stuart, or to remove him out of the way.—It is the business of those who found upon that John Stuart to prove what relates to him, and to shew that he was at some period proprietor of the lands and estate of Castelmilk, and representative of the Castelmilk family. Without proving these points, it is impossible for Lord Galloway to make out his case, as he claims directly through that John Stuart, who, he says, was John Stuart of Dalwinton his ancestor: he therefore forms an essential link in the line of the Earl of Galloway's pedigree, and it will be incumbent on his Lordship to produce evidence concerning him.

Sir William Stuart of Castelmilk who was killed in France during the siege of Orleans, on the 12th of February 1429, left four sons, David, Archibald, Matthew, and Walter Stuarts; and one daughter, Elizabeth, married to Robert Lyle, Chevalier de Deuchal. Of these four sons the proofs will be stated under the next Article relating to the Tenth Generation.

TENTH GENERATION.

1. DAVID STUART of Castelmilk and Fynnart, who had one Son, ALEXANDER, and both died without leaving issue male to inherit the estates.
2. ARCHIBALD STUART, who, on the death of DAVID and ALEXANDER, succeeded to Castelmilk, &c. This ARCHIBALD had one Son, WILLIAM, who succeeded him, but died without male issue.
3. MATTHEW STUART of Cassiltoun, who, on the death of his two Brothers DAVID and ALEXANDER, and their Sons, succeeded to the estates of Castelmilk and Fynnart, and carried on the line of the family.
4. WALTER STUART of Arthurly, who in a charter from the Crown in February 1439 is described Son of the deceased WILLIAM STUART of Castelmilk, Knight.

PROOFS concerning DAVID STUART the eldest Son of Sir WILLIAM STUART of Castelmilk.

N^o 1. **A** DECREE by Sir John Forster of Corstorphin, Chamberlain of Scotland, dated 3d January 1429, (which according to modern computation was the year 1430,) pronounced in a contest between the Burghs of Dumbarton and Renfrew, relating to their respective rights of fishing in the river Clyde; in the course of which contest the matters in dispute were referred to

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This decret
in the posses-
sion of the
Burgh of Ren-
frew.

10

the

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" Alan Stuart, Lord of Darnlee.

" Robert Stuart, Lord of —.

" Alexander Stuart, —.

" David Stuart, Lord of Finnart."

It has been shewn in Part IV. that the Alan Stuart, Lord of Derneley, above-mentioned, was the eldest son of Sir John Stuart of Derneley, who had been in that same year, 1429, killed in France in the month of February. And there can be as little doubt that the David Stuart here mentioned as Lord of Finnart was the eldest son of Sir William Stuart of Castelmilk, who had been recently killed in the same battle with his brother Sir John of Derneley; for both Finnart and Castelmilk belonged to the same family; and the same David Stuart here designed of Finnart was at other times designed of Castelmilk, as appears from the following authentic papers still extant:

This charter in the possession of the family of Marr.

Nº 2. Charter dated 19th February 1444-5, granted by Robert Lyle, Lord of Deuchal, of the lands of Strathdee, and others lying in the earldom of Marr, in favor of Sir Alexander Forbes of that ilk, to which charter *David Stuart of Castelmilk* is a witness.

This charter is verbatim inserted in the charter of confirmation thereof from the Crown, dated 1st April 1485. Vide Article Nº 5.

Nº 3. Charter dated 8th February 1445-6, granted by Robert de Lyle, Lord of Deuchal, in favor of John de Ros, Lord of Haulkhead, of the lands of Wester-third and Middle-third, lying in the lordship of Bo'quhan and shire of Stirling; to which charter, David Stuart Lord of Castelmilk is a witness, and he is there described as uncle to Robert de Lyle, the granter of the charter. The testing clause is in these words. " In cujus rei testimonium sigillum meum præsenti cartæ meæ est appensum, apud Renfrew, octavo die mensis Februarii, anno Domini 1445, his testibus honorabilibus

" viris

“ viris ac avunculis meis carissimis, *David Stewart Domino de Castel-*
 “ *mylke, Alexandro de Lyle**, Alexandro Stuart filio et hærede Do-
 “ mini de Castelmylke, Archibaldo Stewart, Roberto Semple, et
 “ Jacobo Stewart, armigeris; et multis aliis.”

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It is to be observed, that Robert de Lyle, Lord of Deuchal, who granted the above charter in February 1445-6, and who soon thereafter was created Lord Lyle, was the son and heir of Robert Lyle, Chevalier de Deuchal, who married Elizabeth Stuart, daughter of Sir William Stuart of Castelmilk; consequently all the sons of that Sir William Stuart were uncles to Robert the Lord of Deuchal, who granted the said charter in February 1445. The description therefore in that charter of *David Stuart of Castelmilk*, as *uncle to Robert de Lyle*, would of itself afford strong evidence that he was son of Sir William Stuart of Castelmilk. And if any doubt could be entertained as to that point, or as to David's being the eldest son, these facts would be supported and enforced by the substantial evidence arising from David's having succeeded to, and enjoyed the same lands and estate which had been enjoyed by his predecessor Sir William Stuart.

Another of the witnesses to that charter was Alexander Stuart, son and heir of David Stuart of Castelmilk. This is the latest mention that has any where been discovered of that Alexander Stuart, who, it is presumed, died before his father David, as he never was in possession of the estates, which, upon the death of David, devolved on his brother Archibald Stuart of Castelmilk.

* This is not the only instance where Alexander de Lyle is described as uncle to Robert de Lyle; for there is in the Chartulary of Paisley, p. 276, a precept of seisin, dated 25th September 1452, granted by Robert Lord Lyle in favor of William Semple, where Alexander de Lyle and William de Lyle are both of them described as uncles of the granter of that precept, without any other designation; the words are, “ testibus, Alexandro de Lyle, Willielmo de Lyle, patruis meis charissimis.”

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This seisin is
in the Earl of
Glasgow's
charter-room.

This charter is
in the posses-
sion of the Earl
of Glasgow,
amongst the
papers belong-
ing to the fa-
mily of Haulk-
head.

This notarial
instrument is
amongst the
papers of the
late Mr. D.
Erskine, W. S.

N^o 4. Seisin, dated 15th of February 1445, given by Robert de Lyle, Lord of Deuchal and Boquhan, *propriis manibus*, in favor of his cousin John de Rofs, Lord of Haulkhead, of the said lands of West-third, &c. proceeding on the foresaid charter; to which seisin one of the witnesses is *David Stuart, Dominus de Castelmilk*.

N^o 5. Charter of confirmation, dated 14th April 1458; granted by King James II. in favor of Sir John de Rofs of Haulkhead, confirming the said charter, dated 8th of February 1445, granted in his favor by Robert de Lyle, Lord of Deuchal; in which charter of confirmation, the original charter confirmed, with the testing clause, is verbatim inserted.

The two preceding articles, No. 4 and 5, are recorded in the Register of Probative Writs on the 20th of September 1793.

N^o 6. A precept of seisin, dated 25th of February 1445-6, by Willielmus Dominus de Crichton, Miles, by which he names *David Stuart of Castelmilk* one of his bailiffs for giving seisin to John de Schaw of Hally, of the lands of Dryveholme, Bekhouse, and Langholm in Annandale. This precept is verbatim inserted in a notarial instrument, dated the 27th of March 1446, to which James Bishop of Dunkeld, Chancellor of Scotland, Mr. William Turnbull, Keeper of the Privy Seal, James of Aukinleck, Knight, and Walter Scott of Buccleugh, Knight, are witnesses.

It is to be observed, that as this David Stuart of Castelmilk and Fynnart was, within a few months after his father's death in the year 1429, designed of *Fynnart*, it leaves little or no room to doubt that these same lands of Fynnart had belonged to his father Sir William Stuart, as well as the lands of Castelmilk; for it is certainly much more probable that David Stuart should have succeeded to the lands and estate of Fynnart as heir to his father, than that he should have acquired so considerable an estate himself, in the short period between the death of Sir William Stuart in February

1429,

1429, and the said meeting at Glasgow in the month of November 1429*.

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* The late Mr. David Erskine, who during many years had the charge of the affairs of the Castelmilk family, and had access to their papers and title deeds, was very positive that he had seen among the papers at Castelmilk the original grant of the lands of Fynnart in favor of the Stuarts of Castelmilk; which grant, according to the best of his recollection, was from Robert II. or Robert III.

This opinion or recollection of Mr. Erskine's was frequently mentioned by him to the Author, who in consequence applied to Sir John and Lady Stuart of Castelmilk, to make diligent search amongst their old papers for that original grant of the lands of Fynnart; which search proved unsuccessful. Mr. Erskine however continued in the opinion that he had seen and read that original grant at Castelmilk. This appears from a paragraph in a letter written by him to Lady Stuart in the year 1789, at the time when he forwarded to her the notes he had taken from the decret above-mentioned of the Chamberlain of Scotland.

The letter is in these words :

" On looking over some notes taken from time to time of papers going through my hands, I find a copy of a decret of the Chamberlain of Scotland, 3d January 1429, in a question between the burghs of Renfrew and Dumbarton about the fishings in Clyde; among the assize are, Alan Stewart, Lord of Darnelie, Robert Stewart, Lord of —, Alexander Stewart, *David Stewart, Lord of Finnart*. This last I have no doubt was David of Castelmilk, who Mr. Andrew Stuart says got Gouroch in 1435 (1); but from this writing it is evident he had it six years before; and indeed *I still think I saw at Castelmilk the original grant of Finnart from Robert II. or III.*

" The original of this decree is among the writs of the borough of Renfrew; so you know where to find it in case it be of use.

(Signed)

" DAVID ERSKINE."

Mr. Erskine was remarkable for the accuracy both of his memory and judgment in all matters of business; and if his recollection of having seen the original grant of the lands of Fynnart from Robert II. or Robert III. was well founded, that of itself would necessarily prove, that these lands of Fynnart had belonged to the Castelmilk family before the time of the above-mentioned David Stuart of Castelmilk and Fynnart, the son of Sir William. For if proceeding from a grant either of Robert II. or Robert III. that grant must have been either in favor of Sir William Stuart of Castelmilk, or of his father Sir Alexander Stuart of Derneley, most probably it was a grant in favor of the former; and as he was proprietor of the lands of Fynnart, it was most natural that upon his death in the year 1429, the title of Fynnart, as well as that of Castelmilk, should go to his eldest son David Stuart.

(1) At the time of Mr. Stuart's conversation with Mr. Erskine alluded to in this letter, Mr. Stuart had been misled by what was said by George Crawford in his History of the Shire of Renfrew, p. 92, where he asserts that the lands of Fynnart had come to the Castelmilk family by the forfeiture of the Earl of Douglas. This he mentioned to Mr. Erskine, but upon better consideration afterwards became satisfied that George Crawford's account of that matter was totally erroneous.

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As it is established by the most unquestionable evidence that Sir John Stuart of Derneley and his brother William were both of them killed in France on the same day, 12th of February 1429, this meeting at Glasgow on the 22d of November 1429, affords an additional proof of Sir William Stuart of Castelmilk being one and the same person with Sir William Stuart the brother of Sir John Stuart of Derneley; for at the time of this meeting when Alan Stuart was designed Lord of Derneley, which had belonged to his father Sir John, and when David Stuart was designed Lord of Finnart, which had belonged to his father Sir William, both of them had recently succeeded to these titles by the deaths of their fathers; and therefore the coincidence in point of time, with the established fact of the deaths of Sir John Stuart of Derneley and of his brother Sir William Stuart in February 1429, furnishes an additional link to the chain of circumstances which indicate the identity of Sir William Stuart of Castelmilk, with Sir William Stuart the brother of Sir John Stuart of Derneley; for if it could be supposed that they were different persons, then it must further be supposed that those two Sir William Stuarts, besides the fallacious resemblances in other respects, had increased that perplexing resemblance, by dying much about the same time in the year 1429.

If there had been any proof, or any reason to believe that Sir William Stuart of Castelmilk was alive at any period after the 12th of February 1429; or if there were any proofs that his son David Stuart had been designed of Castelmilk or of Finnart at any period before that date, thus inferring that his father had died before that time; then either of these circumstances would have proved, that Sir William Stuart of Castelmilk must have been a different person from Sir William Stuart killed in France in February 1429; but there is no vestige of any evidence of that sort, and the decret above-mentioned, containing the account of the meeting in November 1429 between Sir Alan Stuart, Lord of Derneley, and David Stuart, Lord of Finnart, is perfectly consistent with

with the ascertained fact relating to the time of the death of Sir William Stuart, the brother of Sir John of Derneley. The contents of that decret therefore are of use, both for the purpose of adding to the circumstances which establish the identity of Sir William Stuart of Castelmilk with Sir William Stuart killed in France; and for that of proving that David Stuart of Finnart and Castelmilk was the son and heir of that Sir William Stuart.

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PROOFS concerning ARCHIBALD STUART of Castelmilk, the second Son of the first Sir WILLIAM STUART of Castelmilk; and concerning WILLIAM the Son of ARCHIBALD.

From the papers referred to in the preceding Article, it appears that David Stuart, the eldest son of Sir William, was alive in the year 1446. How much longer he lived, has not as yet been ascertained; but it is certain, that both he and his son Alexander had died before the year 1464; for in that year, Archibald Stuart, the younger brother of David, was proprietor of the estate of Castelmilk, as appears from an authentic instrument hereinafter mentioned, N° 1.

In an old manuscript, by Mr. Hamilton of Wishaw, a very intelligent antiquary, and much respected for his knowledge and accuracy, he mentions, that "he had found Archibald Stuart retoured to the lands of Fynnart, lying in the sheriffdom of Renfrew, anno 1463;" whence it is presumable, that David, the preceding proprietor, had died but a little before the year 1463; but as that retour has not yet been found, the evidence to be here stated will refer only to the proofs now existing either upon record or in original papers.

N° 1. Charter under the Great Seal, by King James III. dated 21st October 1464, confirming a charter dated at Edinburgh, 19th October

In the Public
Records,
b. vi. N° 122,
and contains a

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verbatim copy
of the charter
confirmed.

October 1464, granted by Robert Crichton of Sanquhar, in favor of Robert Charteris of Amisfield, of an annual rent of 20*l.* Scots, to be levied out of the barony of Sanquhar, the witnesses to which charter are thus described: "Testibus *nobilibus viris* Dominis David "Herris de Avendale, Joanne Carlyle de Tortheral, Militibus, "Joanne Maxwell, Senescallo Annandiæ, *Archibaldo Stewart de Castelmilk*, et David Kirkpatrick, et Thoma Unthank, notario publico; cum multis aliis."

The witnesses to the preceding charter described as noble persons, it is well known, were great proprietors in Annandale, and considerable men in those times.

Archibald Stuart of Castelmilk did not long survive his brother David; for in the beginning of the year 1467, William Stuart, the son of that Archibald, was in possession of the estate of Castelmilk, as appears from the following instrument:

In the possession of Lord Cathcart, and recorded in the Register of Probative Writs on the 9th April 1793.

N° 1. Notarial instrument, dated 20th March 1466, (in modern style 1467,) under the subscription of Joannes Preston, presbyter Glasguen. diocese, concerning a judicial declaration made by Jacobus de Cathcart, in relation to a resignation made by him to Allan Lord Cathcart of the Two Merk Lands of Drumnean and others, in the shire of Air; to which notarial instrument *William Stuart, Dominus de Castelmilk*, is a witness, along with Robert Lord Lyle, and several other witnesses.

N° 2. Notarial instrument, dated 6th July 1484, ascertaining what passed that day in the Court-house of Dumfries, when Elizabeth Stuart, describing herself daughter and heir-apparent of the deceased *William Stuart* of Castelmilk, claimed to be served as nearest lawful heir of her grandfather *Archibald Stuart*, in the *third* part of the lands of the tenement of Castelmilk lying in the lordship of Annandale.

From

From that notarial instrument it appears, that upon the 6th of July 1484, in presence of the deputy of Robert Crichton of Sanquhar, sheriff of Dumfries, compeared Archibald Carruthers of Mouswald, producing letters of attorney from Elizabeth Stuart, "filia et hæres apparens quond. Gulielmi Stuart de Castelmilk;" and that the said Archibald Carruthers asserted and alleged, that *Archibald Stuart, grandfather of the said Elizabeth Stuart*, died last vest and seised as of fee in the *third part of the lands of the tenement of Castelmilk* lying in the lordship of Annandale; and that the said Elizabeth was nearest and lawful heir of the said *Archibald Stuart, her grandfather*, in the said third part of the lands, with their pertinents. The notarial instrument then proceeds to state, that an honorable man, *William Stuart of Castelmilk*, (who, as it will appear hereafter, was son of Matthew Stuart of Castelmilk, and then in possession of the family estate,) objected to the service, and alleged bastardy. The words are, "Honorabilis vir Willielmus Stuart de Castelmilk objecit et allegavit bastardiam;" that this objection was not made until the oaths had been taken by the persons going out of court upon the said inquest. Upon all which the said Archibald Carruthers, as attorney foresaid, required to have a public instrument; and that these things were done in presence of the following witnesses thereto called, viz.

John Maxwell, Steward of Annandale;
 Gilbert Johnstoun of Elphinston, Knight;
 John Johnstoun of that Ilk,
 John Carruthers of Holmends, and
 Henry Kirkpatrick of Golrig.

The contents of the notarial instrument above-mentioned, joined with this circumstance, that Elizabeth's service was opposed, not by any younger son of Archibald's, nor by any grandson of his, but by a collateral heir male, William Stuart, then in possession of the family estate of Castelmilk, prove, that Archibald Stuart of Castelmilk, the grand-

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In the possession of Mr. Carruthers of Holmends; and recorded in the Register of Probative Writs 10th April 1793.

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grandfather of Elizabeth Stuart, (the claimant in 1484,) had left no other sons beside William the father of Elizabeth, and that he, William, had left no sons; for she, in her claim, first describes herself as daughter and heir-apparent of the deceased William Stuart of Castelmilk, and then states, that she was nearest and lawful heir of Archibald Stuart her grandfather; and the instrument shews, that the person who objected to the service was William Stuart of Castelmilk, a collateral heir male. These things could not have happened, nor would the assertions have been made in presence of so many respectable witnesses, all of them persons of that part of the country, unless the facts had been notorious, that Archibald Stuart of Castelmilk had left no other sons besides William, and that William had left no sons.

It has been shewn, that the said Archibald Stuart, grandfather of Elizabeth, died before the year 1467; and it will appear, under the following Article, that William Stuart, the son of Archibald, died before the year 1470, when Matthew Stuart of Cassiltoun, the brother of Archibald, succeeded to the estates of Castelmilk and Fynnart; Matthew died in the year 1474, and was succeeded by his son William Stuart of Castelmilk, who continued in possession of the family estates from the year 1474 till the time of his death in the year 1495. It was therefore this William Stuart of Castelmilk, the son of Matthew, who appeared and objected, in the year 1484, to the service which Elizabeth Stuart was then carrying on, for being served heir to her grandfather Archibald Stuart of Castelmilk in certain parts of the old original estate of Castelmilk.

It is to be observed that the original or complete estate of Castelmilk had consisted of lands to the amount of a Sixty Merk Land of Old Extent; but by a very antient division made in the times of remote antiquity, these lands had been divided into two-thirds and one-third. The *two-thirds* were sometimes described as the *Forty Merk Lands of Castelmilk*, and as frequently described

as the *Two-thirds* or *Twa Parts of Castelmilk*. The One-third was described sometimes the *Third of Castelmilk*, and at other times as the *Twenty Merk Lands of Castelmilk*, or the *Twenty Merk Lands of Middleshaw*, which meant the same thing. The property of the Two-thirds or Forty Merk Lands of Castelmilk belonged in the year 1387 to John Stuart, Lord of Castelmilk, afterwards Sir John Stuart of Derneley. The property of these Forty Merk Lands of Castelmilk were before the year 1398 transferred to Sir William Stuart of Castelmilk, to be held by him and his heirs of and under his elder brother Sir John and his heirs; by which means the superiority of those Two-thirds or Forty Merk Lands of Castelmilk remained for many generations with the Stuarts of Derneley and Lennox, descended from the said Sir John Stuart of Derneley; while the property of these same Two-thirds remained with the Stuarts of Castelmilk descended from the said Sir William Stuart of Castelmilk. The rights of the Derneley family to the superiority, and the rights of the Stuarts of Castelmilk to the property were precisely of the same and no greater extent, and related solely to the said Two-thirds or Forty Merk Lands of Castelmilk; neither of them had any interest in or connection with the Twenty Merk Lands of Castelmilk, called the Third of Castelmilk.

The single instance of any of the Stuarts having ever had any connection with the Third or Twenty Merk Lands of Castelmilk was in the case of Archibald Stuart, the grandfather of Elizabeth Stuart mentioned in the said instrument in the year 1484, which instrument proves that Archibald Stuart had died last vest and seised in that Third of Castelmilk, and that his grand-daughter Elizabeth Stuart claimed to be served heir to him therein. It must be remembered that this Archibald Stuart upon the death of his elder brother David Stuart of Castelmilk and of his son Alexander, without leaving issue male, had succeeded to and enjoyed the Two-thirds or Forty Merk Lands of Castelmilk, which were held of the Derneley family; which Two-thirds or Forty Merk Lands went, upon the death

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of

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of Archibald and of his son William, to the next collateral heir male, Matthew Stuart of Cassiltoun, brother of the said Archibald, and to his heirs male, in preference to Elizabeth Stuart the granddaughter of Archibald and the daughter of William Stuart of Castelmilk. But as she was the person who by the said instrument in 1484 claimed to succeed to her grandfather Archibald in the third part of Castelmilk, in which he had died last vest and seised, without ever pretending any right to the *Two-thirds* which went to collateral heirs male; and as these collateral heirs male, though they opposed her service and right to the *Third* of Castelmilk on account of alleged bastardy, yet never pretended to have any right to that Third themselves; it follows from thence that Archibald Stuart had derived his right to the *third part* of Castelmilk, through a channel different from that by which he succeeded to the *Two-thirds*, and must have held it upon a tenure and with a destination of succession different from that by which he had succeeded to and enjoyed the *Two-thirds* of Castelmilk. The most probable solution of this point is, that the said Archibald Stuart of Castelmilk had himself purchased or acquired right to that third part of the lands of Castelmilk in which he died vest and seised, and having acquired it by his own means, naturally allowed that part of his property to go to his heirs general, while the other *Two-thirds* held of the Derneley family, and to which he, Archibald Stuart, had succeeded as heir male of the Castelmilk family, were limited to go to heirs male collateral, in preference to heirs general.

This supposition, authorised by all the known circumstances of the case, serves to remove those apparent difficulties which would otherwise make it appear so extraordinary that Elizabeth Stuart should have claimed the third part of Castelmilk, which had belonged to her grandfather Archibald Stuart, without claiming the other two-thirds which had also belonged to him: and accounts also for the other extraordinary circumstance of no claim having been made by the collateral heir male Matthew Stuart, or his son William of
Castel-

Castelmilk, to the said third part of Castelmilk which had been enjoyed by their relation Archibald Stuart.

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Elizabeth Stuart, who claimed the third part of Castelmilk in 1484, as heir to her grandfather Archibald Stuart, though she did not succeed at that time in her claim, appears to have succeeded in it at some subsequent period; for there is an instrument of seisin in the year 1495 in favor of that Elizabeth Stuart, wherein she is designed spouse of an honorable man, Robert of Carruthers; which seisin proceeds upon a precept of seisin from the Crown, directed to John Lord Maxwell, Steward of Annandale, ordering him to give seisin to Elizabeth Stuart of the Forty Shilling Land of Old Extent of Thundergarth, and of the Forty Shilling Land of Whitflames; and it is said that she and her husband were infeft in the lands of Middleshaw and Sorryfikes by Robert Lord Maxwell in the year 1516. And the said Robert de Carruthers, husband of Elizabeth Stuart, was, upon the 14th of May 1495, witness along with Alexander Stuart of Castelmilk, to a seisin hereinafter mentioned of the lands of Pennersex in Annandale in favor of Adam Kirkpatrick, in which seisin Robert de Carruthers is designed of *Middleshaw*; which it is clearly ascertained was the same thing as the Twenty Merk Lands of Castelmilk, or the Third of Castelmilk.

After the death of the said Elizabeth Stuart, and of her husband Robert de Carruthers, the said Twenty Merk Lands or Third of Castelmilk passed through various hands, till they came at last into the possession of David Viscount Stormont, the ancestor of the present Lord Stormont and Earl of Mansfield, to whom the whole of these lands of *Middleshaw or third of Castelmilk* do now belong either in property or in superiority. But these lands of Middleshaw or third of Castelmilk have at no time belonged to the Derneley family either in property or superiority; neither have they ever belonged to the Stuarts of Castelmilk, excepting in the single instance of Archibald Stuart which has been accounted for as above.

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PROOFS concerning MATTHEW STUART of Cassiltoun, Castelmilk, and Fynnart, third Son of Sir WILLIAM STUART of Castelmilk.

N^o 1. Charter, dated 6th January 1464, by John Stuart Lord of Derneley, in favor of Thomas Stuart of Albany, of the lands of Balderran in Stirlingshire, to which charter Matthew Stuart of Cassiltoun is a witness, along with Andrew Stuart Lord Avendale, Chancellor of Scotland, Murdoch Stuart, Miles, John Maxwell of Nether Pollock, and other witnesses. This charter is *verbatim* inserted in a charter of confirmation under the Great Seal, in the

Public Records, lib. vi. No. 52.

Public Records, lib. vi. No 52.

In the charter-chest of Sir John Stuart of Castelmilk.

N^o 2. Judicial ratification, dated 24th November 1466, by Isabella Norvel, Lady of Cardonald, wherein she is thus designed: "Sponsa
" Gulielmi Stewart, filii et apparen' hæredis honorabilis viri Mat-
" thæi Stuart de Casteltone."

In the possession of Sir John Maxwell of Pollock.

N^o 3. Instrument of resignation, dated 14th July 1468, by Lady Katherine de Seton, Lady of Derneley and of Maxwell, with consent of her son George Maxwell, eldest son and heir of the marriage between the deceased Herbert Lord Maxwell her husband and her the said Katherine; whereby she resigned into the hands of Robert Lord Maxwell, son and heir of the deceased Herbert Lord Maxwell, certain lands in Renfrewshire. To which resignation the witnesses, among others, are, James Lord Hamilton, *Matthew Stuart of Cassiltoun*, &c.

N. B. Lady Katherine Seton, who made this resignation, had first married Alan Stuart of Derneley, and after his death married Herbert Lord Maxwell. By her first marriage she had John Stuart of Derneley, afterwards Lord Derneley and Earl of Lennox; and by her second marriage she had George Maxwell of Carnfalloch, who was brother-uterine of John Stuart Lord Derneley; and

it

it appears that Matthew Stuart and George Maxwell were frequently witnesses to deeds by this John Lord Derneley.

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This Matthew Stuart was uniformly designed of Caffiltoun only, while his elder brothers David and Archibald, or their sons, existed. But by the death of William Stuart of Castelmilk, the son of Archibald, Matthew Stuart having succeeded to the family estates of Castelmilk in Annandale, and of Fynnart in Renfrewshire, he then took the titles of Castelmilk and Fynnart promiscuously, being sometimes designed of the one and sometimes of the other, as will appear in the sequel.

It has been shewn, that William Stuart, the son of Archibald Stuart, was alive on 20th March 1466 (1467). How soon thereafter he died has not as yet been precisely ascertained, but it must have been before the year 1470, as there is evidence, that in that year and ever thereafter, Matthew Stuart took the designation of Fynnart and of Castelmilk, in the same manner as had been done by his elder brother David Stuart, who, as has been shewn, was sometimes designed of Fynnart and sometimes of Castelmilk.

Nº 4. Charter, dated at the city of Glasgow, 3d May 1470, by *John Lord Derneley*, granting to his cousin James Campbell of Braekenrig, all and hail the lands of Brownside, lying in the barony of Strathaven, in the shire of Lanark; to which charter the witnesses are,

Amongst the
Avenale
papers, in the
Duke of Ha-
milton's char-
ter-room.

Matthew Stuart of Fynnart,
George Maxwell of Carnfalloch,
Alexander Stuart of Galstoun,
John Stuart, Provost of Glasgow.

Nº 5. Precept of feisin, dated 3d May 1470, by *John Lord Derneley*, directed to his friends Alexander Stuart of Galstoun and John of Hamilton, of the Hainshaw; in which precept the witnesses are thus described:

In the charter-
room at Ha-
milton.

Matthew

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Matthew Stuart of the Fynnart,
George Maxwell of Carnfalloch,
Alexander Stuart of the Galstoun,
John Stuart, Provost of Glasgow.

In the charter-
room at Ha-
milton,

N^o 6. Discharge, dated 3d May 1470, by John Lord Derneley, relating to the lands of Brownside, in the lordship of Avendale, before these witnesses,

Matthew Stuart of Fynnart,
George Maxwell,
John Stuart, Provost of Glasgow,
Alexander Stuart of Galstoun, &c.

In the charter-
chest of John
Murray, Esq.
of Murray-
thwait.

N^o 7. Instrument of seisin, dated 23d April 1473, in favor of Patrick Murray, of certain lands in Annandale, proceeding on a charter from Alexander Duke of Albany, Lord of Annandale; to which seisin Sir Archibald Carruthers of Mousewald was bailiff; and one of the witnesses to the infestment is thus described: "William Stuart, son and apparent heir to *Matthew Stuart of Castelmilk*."

This seisin is recorded in the Register of Probative Writs, on 21st January 1794.

In the posses-
sion of the
University of
Glasgow.

N^o 8. Obligation, dated 8th June 1473, by the Vicar General of the Convent of Predicant Friars at Glasgow, relative to a donation of ten merks yearly, made to that convent by *Matthew Stuart, Laird of Castelmilk*, for a mass to be said for his soul, and for the souls of his modder and bairns, whose bones rested in that convent.

Idem.

N^o 9. Seisin, dated 11th December 1475, in favor of Simon de Dalgleish; to which seisin one of the witnesses is Magister Joannes Stuart, filius quondam *Matthæi Stuart de Castelmilk*.

N. B. The preceding papers shew, that Matthew Stuart was promiscuously designed of *Castelmilk* or of *Fynnart*, after his succeeding to these two estates. The last of them shews that he died

died before December 1475. He must have died therefore in the period between 8th June 1473, the date of the obligation to him from the Predicant Friars at Glasgow, and the 11th December 1475, when in the *fasine* above-mentioned he was described the *deceased* Matthew Stuart of Castelmilk.

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PROOFS concerning WALTER STUART of Arthurly, the fourth and youngest Son of the first Sir WILLIAM STUART of Castelmilk.

N^o 1. Charter, dated in the year 1439, by which John Pollock disponed to John Ross, Laird of Haulkhead, and Walter Stuart, *son of William Stuart of Castelmilk*, equally betwixt them, the lands of Arthurly in the barony and shire of Renfrew.

This charter is amongst the Haulkhead papers in the possession of the Earl of Glasgow.

N^o 2. Charter under the Great Seal, dated 1st February 1439, (in modern style 1440,) by King James II. whereby he grants the one-half of the lands of Arthurly in the barony of Renfrew, to *Walter Stuart, son of the deceased Sir William Stuart of Castelmilk, Miles.*

This charter in the Public Records, lib. iii. No. 137.

The two preceding articles are here inserted precisely in the same manner that they were inserted on p. 15 of the "State of the Evidence for proving the late Sir John Stuart of Castelmilk, to be the lineal heir male and representative of Sir William Stuart of Castelmilk:" which State was printed in January 1794.

Of that printed paper a copy was given to the Earl of Galloway, or to Mr. Williams for his Lordship's behoof. In consequence of which communication there appeared in the printed paper, which was soon thereafter circulated on the part of the Earl of Galloway, several hostile attacks on the import of the evidence thus produced, or intended to be produced, on the part of Sir John Stuart of Castelmilk, particularly there are, on pages 25 and 26 of Lord Galloway's publication, the following remarks and criticisms on the supposed contents of the two charters above-mentioned, N^o 1 and 2.

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“ From accurately comparing the two charters it will appear evident,
 “ that Sir William Stuart was alive in 1439, when the former was dated,
 “ and that he died before the 1st of February 1440; for in the one he
 “ is styled Sir William Stuart of Castelmilk, and in the other the *deceased*
 “ Sir William Stuart of Castelmilk. This is further confirmed by David
 “ Stuart, the eldest son of this Sir William Stuart’s assuming the designation
 “ of *de Castelmilk*, in the year 1444; whereas in 1430, &c. he was de-
 “ signed David Stuart de Fynnart, the usual designation appropriated to the
 “ heir apparent of that family.”

The inference meant to be drawn on the part of the Earl of Galloway from the two charters thus quoted is not very obvious; but so far as that meaning can be guessed at it must be this, that Sir William Stuart, the father of Walter Stuart of Arthurly, was alive in the year 1439, and that he died in the interval between the year 1439 and the 1st February 1439-40: *Therefore* Walter Stuart could not have been the son of the first Sir William Stuart of Castelmilk, who was killed during the siege of Orleans in the month of February 1429; but must have been the son of a subsequent Sir William Stuart who died about ten years after that period: and upon that supposition it is taken for granted, that the Sir William Stuart, father of Walter Stuart of Arthurly, must have been a Sir William Stuart, brother of Sir John Stuart of Dalswinton, ancestor of the Earl of Galloway.

That this is the inference meant to be drawn, appears from a paragraph on page 25, of the said printed paper of the Earl of Galloway, where it is said that “ Sir John Stuart of Dalswinton died before the year 1420, and
 “ that it seemed evident that his brother Sir William Stuart succeeded him
 “ in the lands of Castelmilk.”

One answer to this statement is, that there is no evidence of the lands of Castelmilk having ever been enjoyed either by a Sir John Stuart of Dalswinton, or by a brother of his of the name of William; on the contrary these supposed facts are rendered inadmissible by certain established facts and proofs totally exclusive of such a supposition; but the more direct answer to the preceding observations and inferences is, that the whole of them proceed upon a gross mistake in point of fact; for although in the printed state of the proofs given in by the late Sir John Stuart relating to Walter Stuart of Arthurly, two charters were referred to, No. 1 and 2; the first of which charters were referred to as being amongst the Haulkhead papers in the possession

possession of the Earl of Glasgow, and the second was referred to as a charter in the Public Records, book iii. No. 137.; yet the fact is, there has hitherto been access only to the second of these charters, to wit, that in the Public Records, dated 1st February 1439-40; and in that charter the half of the lands of Arthurly are given to Walter Stuart, where he is expressly designed son of the *deceased* Sir William Stuart of Castelmilk, Knight: and it is there also mentioned that this half of the lands of Arthurly had last belonged to John de Pollock of Arthurly, and were resigned by him.

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With regard to the charter No. 1. by which John Pollock is said to have disposed to John Ross, Laird of Haulkhead, and Walter Stuart, son of William Stuart of Castelmilk, equally betwixt them, the lands of Arthurly, that charter has never yet been seen either by the Author of this Genealogical History, or by any other person on the part of the Stuarts of Castelmilk. The article No. 1. above printed, is merely a copy of a short article in the inventory of the Earl of Glasgow's papers, which was communicated by his Lordship's man of business, Mr. Tod, Writer to the Signet; and as it was not doubted that the charter itself would easily be found amongst the papers at Haulkhead, in the possession of the Earl of Glasgow, so it was thought proper, for shewing the progress of the title-deeds of the lands of Arthurly, and for shewing that they had been acquired from John Pollock, to print the article as in the said inventory, with a reference to the charter itself indicating where it was supposed it might be found. Accordingly, after getting a copy of the article in the inventory of Lord Glasgow's papers, application was made to his Lordship and to the person who had the charge of his papers at Haulkhead for inspection of that charter by John Pollock; the answer received was, that it had somehow or other been misplaced or mislaid, for that a search had been made for it without being able hitherto to find it. Most probably however that charter will yet be found on a more diligent search; and there can be little doubt, that it will then appear that Walter Stuart is therein designed or described, precisely in the same manner as in the charter under the Great Seal, dated 1st February 1439-40, *son of the deceased Sir William Stuart of Castelmilk, Knight*; for the disposition or charter by John Pollock was the warrant for the crown charter which followed upon it; and it is well known to every man of business, that the descriptions in crown charters of persons and places, are regulated by the descriptions in

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the warrants of these charters ; therefore the description of Walter Stuart in the charter or disposition from John Pollock must have been the same with that which is found in the crown charter which followed upon that disposition.

As John Pollock's charter or disposition had not been found among Lord Glasgow's papers at Haulkhead, it occurred that there might be another method of supplying the want of it, by making a search in the Public Records for a charter under the Great Seal, in favor of John Rofs, Laird of Haulkhead, of his half of the lands of Arthurly ; which charter it was presumed would be found in the Public Records, much about the same period with that which had been granted to Walter Stuart for his half of these lands ; and as both charters must have proceeded upon that same disposition from John Pollock, so it was highly probable that in that crown charter in favor of John Rofs, some mention would have been made of the terms of the charter or disposition granted by John Pollock, from which it would have appeared whether Walter Stuart had in that disposition been designed son of the *deceased* Sir William Stuart of Castelmilk.

The result of that search in the Public Records was, that upon the same date, and in the same book where the charter in favor of Walter Stuart for his half of the lands of Arthurly is inserted, and where he is designed *son of the deceased Sir William Stuart of Castelmilk*, there is immediately subjoined a short entry of a charter under the Great Seal which was granted at the same time in favor of John de Rofs of the other half of the said lands of Arthurly. That short entry in the Records is in these words :

Same Book,
same No. 137.

“ Carta alterius dimidietatis dictarum terrarum concess. Johi de Roffe,
“ et hæredibus suis, et resignat. in manu Regis per dictum Johem de Pollock
“ *in forma prescripta.*”

From the latter charter being entered in this abridged manner in the Records, immediately after the charter to Walter Stuart, and from the concluding words “ *in forma prescripta,*” there can be little doubt that the charter in favor of John de Rofs was literally in the same terms with that of Walter Stuart, changing only the name of the person in whose favor it was granted ; but every other person whose name might happen to be mentioned would be described in the same manner in the two charters
from

from the crown; and as Walter Stuart was, in the crown charter in his favor in the year 1439, described son of the *deceased* Sir William Stuart of Castelmilk, there can be no doubt that he would be described in the same manner in the crown charter in favor of John Rofs of his half of the lands of Arthurly, if there was occasion to mention him in the course of that charter: this would have been verified if there had been found in the Records, as there was reason to expect, a complete copy of that charter in favor of John de Rofs, instead of the short entry before-mentioned.

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N° X.

The person who made up the inventory of Lord Glasgow's papers from which the article No. 1. in Sir John Stuart's printed State of Evidence was taken, naturally thought it sufficient, in an inventory meant solely for the purpose of indicating where the papers were to be found, to mention briefly the papers referred to. In this manner the charter by John Pollock in 1439, of the lands of Arthurly, in favor of John Rofs, Laird of Haulkhead, and Walter Stuart, was briefly mentioned, without distinguishing whether Sir William Stuart of Castelmilk, the father of Walter, was therein described *as deceased* or not;—that was a matter of no importance to the heirs of John Rofs; it was sufficient for their purpose that the inventory which referred to the papers in the charter-room should give a short description in the manner it has done. It is however, from this article in the inventory having been copied literally into Sir John Stuart's State of the Evidence, that the person who drew up the printed paper on the part of the Earl of Galloway has, without making further inquiry, and without pretending ever to have seen the charter by John Pollock, been led into a train of conjectures, reasonings, and inferences, which now appear to be totally destitute of foundation.

No author has ever doubted of Walter Stuart of Arthurly having been the son of the *first* Sir William Stuart of Castelmilk. Neither is there any evidence of a *second* Sir William Stuart of Castelmilk, who could possibly have been the father of Walter Stuart of Arthurly. That second Sir William Stuart of Castelmilk is only to be found in the paper drawn up on the part of the Earl of Galloway; where, by the bye, it is supposed that this second Sir William Stuart had succeeded to the estate of Castelmilk upon the death of his brother Sir John Stuart of Dalswinton, who died before the year 1420. According to this supposition, therefore, there must have been two Sir Wil-

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liam Stuarts of Castelmilk alive at the same time during a certain period, from the year 1420 to the year 1429; the inconsistency of which is abundantly evident. The only method of avoiding these inconsistencies is by restoring to Walter Stuart of Arthurly his true father, Sir William Stuart of Castelmilk who died in the year 1429.

Walter Stuart of Arthurly having been the youngest son of Sir William Stuart of Castelmilk, neither he nor any of the descendants from him ever succeeded to the family estates of Castelmilk or Fynnart; but the charter above-mentioned in the year 1439, wherein Walter Stuart was described *son of the deceased Sir William Stuart of Castelmilk*, becomes of great utility for confirming the other proofs in favor of David, Archibald, and Matthew Stuarts, who successively enjoyed the estates of Castelmilk and Fynnart, as sons of Sir William Stuart, and elder brothers of Walter Stuart: for it cannot possibly be disputed, that Walter Stuart was a son of Sir William Stuart of Castelmilk, being expressly so designed in a charter from the Crown within a few years after the death of Sir William. This then proves, that the first Sir William Stuart of Castelmilk left one son at least, which son, if he had been an only son, must have succeeded to the family estates of Castelmilk and Fynnart; but as neither Walter nor any of the descendants from him ever enjoyed either of these estates, that of itself would indicate that he must have had elder brothers: and as it is proved, that after the death of Sir William Stuart of Castelmilk, the estates of Castelmilk and Fynnart were successively enjoyed by David Stuart, Archibald Stuart, and Matthew Stuart, in exclusion of Walter Stuart of Arthurly and his descendants; hence it appears clearly who were those elder brothers of Walter Stuart of Arthurly; and thus the proofs relating to the different members of the first Sir William Stuart of Castelmilk's family are not only consistent, but mutually strengthen and confirm each other.

ELEVENTH GENERATION.

1. WILLIAM STUART of Castelmilk, eldest Son of MATTHEW, succeeded to his Father in 1474.
2. JOHN STUART, second Son of MATTHEW, survived his Father.

PROOFS concerning WILLIAM STUART, eldest Son of MATTHEW.

N^o 1. JUDICIAL ratification before-mentioned, dated 24th of November 1466, by Isabella Norvel, Lady of Cardonald, wherein she is designed wife of William Stuart, son and apparent heir of an honorable man, *Matthew Stuart of Casteltone*.

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N^o. XI.

In the charter-
chest of Sir
John Stuart.

N^o 2. Instrument of feisin before-mentioned, dated 23d April 1473, to which William Stuart was one of the witnesses, and is there designed William Stuart, son and apparent heir to *Matthew Stuart of Castelmilk*.

In the charter-
chest of John
Murray, Esq.
of Murray-
thwait.

N^o 3. Judicial transumpt by the official at Glasgow, of a charter by King Robert I. to Malcolm Earl of Lennox. This transumpt is dated 29th March 1474; and among the witnesses to it, there are Gulielmus Stuart, *Dominus de Cassiltoun*, and Joannes Stuart, Præpositus Glasguen.

In the posses-
sion of the
Duke of Mon-
trose.

N^o 4. In the records of the parliamentary proceedings, at the date of 4th December 1475, there is an article in these words:
“ James Stuart and Mr. John Stuart has protested, in presence of
“ the Lords Auditors, That because *William Stuart of Castelmilk* sum-
“ moned them to his instance anent the wrongous occupation of
“ the lands of Gallowhill and Wyndlaw, and would not follow
“ nor

Parliamentary
Records.

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N^o XI. “ nor pursue them in the said action; that therefore the said William Stuart should not be heard anent the said cause, until the time that they be contented of their expences and costs, and while they be new summoned.”

N^o 5. The notarial instrument before-mentioned, dated 6th July 1484, relative to the claim of Elizabeth Stuart to be served heir to her grandfather Archibald Stuart of Castelmilk, upon which occasion, in 1484, *William Stuart of Castelmilk*, the son of Matthew, appeared, and objected to the service.

In the possession of the Duke of Montrose.

N^o 6. A pardon or remission, dated 12th February 1489, (1490), granted by King James IV. with consent of the three estates of the kingdom assembled in full parliament, to the several persons therein named, for being art and part in *proditione, suffulcione, et detentione* of the King's castle of Dumbarton, against his Majesty's royal authority; and for being art and part in the burning of the town of Dumbarton, and for all other treasons, rebellions, &c. The persons particularly named, to whom this pardon and remission was granted, are,

Matthew Stuart, son and heir apparent of John Stuart, Earl of Levenox, Lord Derneley,

Alexander Stuart and Robert Stuart, brothers of the said Matthew.

William Stuart of Castelmilk, Alexander Stuart his son, John Stuart his son.

Matthew Stuart and John Stuart, sons of a brother of the said *William Stuart of Castelmilk*, &c. &c.

In the Duke of Queensberry's charter-room at Drumlanrig.

N^o 7. Instrument of feisin of the lands of Pennerfex in Annandale, dated 14th May 1495, in favor of Adam Kirkpatrick, the witnesses to which are thus described: “ *Præsentibus ibidem honorabilibus viris Alexandro Stuart, filio et hærede apparente Willielmi Stuart de Castelmilk*, Robert de Carruthers de Middleshaw, Thoma Bell de Kirkonnell, David Bell de Pennerfex,” &c.

Robert de Carruthers of Middleshaw, one of the witnesses to the above instrument, was the husband of Elizabeth Stuart, who, in the year

year 1484, had claimed to be served heir to her grandfather Archibald Stuart of Castelmilk, in the third of Castelmilk as before-mentioned; which third of Castelmilk meant the same thing as the Twenty Merk Lands of Middleshaw.

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No XI.

N. B. From this instrument it appears, that William Stuart of Castelmilk was alive in May 1495; but it will be shewn hereafter that he died in that year, or in the year 1496, and was succeeded by his son Alexander above-mentioned.

William Stuart left two sons, Alexander and John; and one daughter, Marion, who married Alan Stuart, a younger son of John Earl of Lennox; and of that marriage there was issue.

PROOF concerning JOHN STUART, second Son of MATTHEW STUART of Castelmilk.

Seisin in favor of Simon de Dalglesh, dated 11th December 1475; to which one of the witnesses is *Joannes Stuart, filius quond. Matthæi Stuart de Castelmilk.*

In the possession of the University of Glasgow.

N. B. There is reason to believe that this John Stuart, the second son of Matthew Stuart of Castelmilk, was the same person who, in many ancient deeds still extant, was designed *Præpositus Glasguen.* or *Provost of Glasgow*, and who, in the course of the preceding sheets, appears to have been witness to several deeds, along with Matthew Stuart, or with William Stuart of Castelmilk.

TWELFTH GENERATION.

1. ALEXANDER STUART of Castelmilk, eldest Son of WILLIAM, and Grandson of MATTHEW STUART of Castelmilk.
2. JOHN STUART, second Son of WILLIAM STUART of Castelmilk.

PROOFS concerning these two Sons of WILLIAM STUART of Castelmilk.

PART VII. N° 1. **A**LEXANDER Stuart designed of Cassiltoune is witness to a feisin, dated 10th May 1486, in favor of John Lord Maxwell, of the superiority of the lands of Nether Pollock in the shire of Renfrew.

N° XII.
In the possession of Sir John Maxwell.

N° 2. The pardon above-mentioned, dated 12th February 1489, (1490,) where Alexander and John Stuarts are mentioned as sons of William of Castelmilk.

N° 3. The instrument of feisin before-mentioned, N° 7, of the Eleventh Generation, dated 14th May 1495, where Alexander Stuart is described "filius et hæres apparens Gulielmi Stuart de Castelmilk."

In Lord Blantyre's possession; and charter of confirmation, Public Records, lib. xiii. N° 616.

N° 4. Charter, dated 26th July 1496, by Isabella Norvel, Lady of Cardonald and Drumbean, with consent of Alexander Stuart, her son and apparent heir, in favor of Allan Stuart, son of John Earl of Lennox, of the half of the lands of Cardonald in the shire of Renfrew, disposing these lands to Allan Stuart, and to Marion Stuart his wife, (daughter of William Stuart of Castelmilk,) and longest liver of them, in liferent, and to their heirs.

N° 5.

N° 5. Gift from the Crown, under the Privy Seal, dated 23d July 1498, granting to Alexander Stuart of Castelmilk the profits and duties of the lands of Caffiltoun, and part of the lands of Castelmilk, since the decease of his father, William Stuart of Castelmilk.

PART
VII.N° XII.
Privy Seal
Records.

N° 6. Retour of the special service of John Ross, Knight, as heir to his grandfather John Lord Ross of Haulkhead, Knight, in various lands in Renfrewshire, dated at Renfrew, 27th October 1501; from which it appears that one of the persons of the inquest was Alexander Stuart de Castelmilk.

In the charter-
room at
Haulkhead.

N° 7. Charter of Alienation, dated 11th February 1511 (1512), granted by Isabella Norvell and Alexander Stuart her son, in favor of John Kennedy of Knockreoch, of the Twenty Shilling Lands of Drumbean in the shire of Ayr; which charter is signed by Isabella Norvell and Alexander Stuart, at Caffiltoun in Lanarkshire, before these witnesses, Archibald Stuart, James Stuart, John Stuart, Peter Wauch, and William Aikenhead; and the seals of Isabella Norvell and Alexander Stuart appended to this charter are entire.

In Sir John
Stuart's char-
ter-chest.

N° 8. Charter of confirmation thereof under the Great Seal, dated 7th April 1513, in which the original charter confirmed is *verbatim* inserted.

Public Re-
cords, lib.
xviii. No. 156.

From the above instruments it appears, that Alexander Stuart was alive in 1512. The precise time of his death has not as yet been ascertained; but there is reason to believe that he died in the year 1523 or 1524. With respect to his brother John Stuart, it is not known when he died; neither is there any further evidence concerning him, excepting the mention of him in the said pardon in February 1489.

THIRTEENTH GENERATION.

1. ARCHIBALD STUART of Castelmilk and Fynnart, &c. eldest Son of ALEXANDER of Castelmilk.
2. JAMES STUART, second Son of ALEXANDER.

PROOFS concerning ARCHIBALD STUART, eldest Son of ALEXANDER.

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N^o XIII.

In the Duke
of Queens-
berry's charter-
room at Drum-
lanrig, and re-
corded in the
Register of
Probative
Writs in 1793.

In Sir John
Stuart's pos-
session.

Public Re-
cords.

Amongst the
papers belong-
ing to Lord
Nithsdale's
family.

N^o 1. INSTRUMENT of feisin, dated 13th of October 1512, in favor of Symond Carruthers of Mouswald, of the lands of Dundonby, Kertilhouse, and Carruthers in the stewartry of Anandale, to which Archibald Stuart is a witness, and is there designed *son and heir apparent of Alexander Stuart of Castelmilk*.

N^o 2. Charter, dated 22d April 1528, granted by this Archibald Stuart, therein designed of Castelmilk and Fynnart-Stewart, in favor of his son and apparent heir Archibald Stuart and Margaret Maxwell, his spouse, of the lands of Ravenscraig and others, in the shire of Renfrew.

N^o 3. Charter of confirmation thereof under the Great Seal, dated 3d May 1528, in which the charter confirmed is *verbatim* inserted.

N^o 4. Bond of Manrent, dated 23d May 1528, granted by Archibald Stuart of Castelmilk to Robert Lord Maxwell, in the usual style of bonds of manrent; but with this peculiarity in it, that there is an exception in the following words: "Excepting that I fall not
" be compellit by this my band to cum with the said Robert Lord
" Maxwell, nor stand with him in any actions in contrar *my Lord*
" *of Levenox*."

PROOFS concerning JAMES STUART, second Son of ALEX-
ANDER STUART of Castelmilk.

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VII.

No XIII.

N^o 1. Charter and Precept, dated 20th September 1515, by John Earl of Lennox, Lord Derneley; whereby, for the singular love and favor he had to *his beloved cousin James Stuart, son of Alexander Stuart of Castelmilk*, and to Janet Auchinleck, his spouse, he gave to them, and to the longest liver of them, during their lives, the Forty Shilling Land of the town of Kype of Old Extent, lying in the barony of Avendale and shire of Lanark.

This charter, and the assignation, No. 2. are amongst the Avendale papers in the charter-room of the Duke of Hamilton.

N^o 2. Assignation, dated 3d February 1525, by John Earl of Lennox, Lord Derneley, son and heir of Matthew Earl of Lennox, to his well-beloved cousin James Stuart of Tweedy, of the right of reversion of the Forty Shilling Land of Kype in the barony of Avendale.

N. B. It is not known at what time James Stuart, the second son of Alexander of Castelmilk, died; nor whether he left any posterity.

FOURTEENTH GENERATION.

ARCHIBALD STUART of Castelmilk, Son of the preceding ARCHIBALD and Grandson of ALEXANDER STUART.

PROOFS concerning this ARCHIBALD.

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VII.

Nº XVI.

Nº 1. **T**HE charter before-mentioned, dated 22d April 1528, proves that this Archibald was the son of the preceding Archibald; for by that charter, the lands of Ravenscraig and others, in the shire of Renfrew, were granted by Archibald Stuart of Castelmilk and Fynnart-Stewart, to his son and apparent heir Archibald Stuart and Margaret Maxwell, his spouse, and to the heirs then procreated or to be procreated between them.

In the charter-
chest of Sir
John Stuart.

Nº 2. Instrument of seisin, dated 7th August 1532, of certain lands in Gourock in the shire of Renfrew, in favor of Archibald Stuart and Margaret Maxwell, spouses, proceeding on a charter granted in their favor by Archibald Stuart of Castelmilk, his father, dated 22d April 1528.

In the Earl of
Hopetoun's
charter-chest of
the Annandale
papers.

Nº 3. Contract, dated 7th November 1533, between John Johnstoun of that Ilk, and Archibald Stuart, younger of Castelmilk, whereby Archibald Stuart became bound to labour to cause his father infest the Laird of Johnstoun, and his heirs heritably, upon a reversion for 200 merks, and a tack of seven years for the old maill yearly, in the Six Merk Lands of Brumell, Two Merk Land of Brigmuir, and Forty Shilling Land of Toddeldmuir of Old Extent, with the pertinents; and if his said father refused to infest the said Laird of Johnstoun as said is, then the said son Archibald shall labour

labour at his said father to get state and seisin to himself heritably in the said Eleven Merk Land, and shall infeft the Laird of Johnstoun and his heirs heritably in the said lands by charter and seisin. This contract, dated at Lochmaben, 7th November 1533, is ascertained by a notarial copy thereof, dated penult December 1562, which is amongst the Annandale papers in the possession of the Earl of Hopetoun, from whence it appears that the original contract was signed by the parties thus :

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N^o XIV.

“ JOHNE JOHNSTOUN of that Ilk.

“ ARCHIBALD STEWART younger, *Laird*

“ *of Castelmilk.*”

N. B. From the above contract it appears, that both Archibald Stuart the father, and Archibald the son, were alive in November 1533 ; and as the son by his signature described himself *Laird of Castelmilk*, it is probable that the father had in his own lifetime given to the son the estate of *Castelmilk* in Annandale ; reserving to himself the estates of *Cassiltoun* in Lanarkshire, and of *Fynnart-Stewart* in Renfrewshire. This conjecture is confirmed by the subsequent title-deeds of these estates, to be hereinafter mentioned.

N^o 4. Tack and Affedation, dated 6th April 1541, granted, by Archibald Stuart younger of Castelmilk, and Margaret Maxwell his spouse ; whereby they let the lands of Castelmilk lying in the stewartry of Annandale, to and in favor of Robert Lord Maxwell, and Agnes Stuart Countess of Bothwell, his spouse, for payment of certain maills and duties.

This tack and affedation is recited in a contract, dated 27th November 1578, and recorded in the Books of Session the same day, between John Lord Maxwell and Archibald Stuart of Castelmilk, grandson of the said Archibald Stuart who granted the tack and affedation in the year 1541.

Extract from
the Records of
the Books of
Session.

As Archibald Stuart was in that tack, dated in the year 1541, designed *younger* of Castelmilk, it shews that both father and son

were

PART
VII.N^o XIV.Privy Seal
Records,
Book xvii.

were then alive; but both of them must have died before the month of July 1543, as will appear from what follows; and there is reason to think that Archibald the son died before his father.

N^o 5. Letter of gift by Queen Mary under the Privy Seal, dated 10th July 1543, in favor of Archibald Earl of Argyll, of the ward and non-entry of the lands of Cassiltoun in the shire of Lanark, and also of the lands of Fynnart-Stewart in the barony of Renfrew, which pertained to *umqubill Archibald Stuart of Castelmilk*, and through the decease of him, or any others his predecessors, last lawful possessors thereof, being in the hands of our Sovereign Lady (Queen Mary) as superior thereof, by reason of ward, non-entry, &c. ay and while the lawful entry of the righteous heirs thereto, being of lawful age, together with the relief thereof when it shall happen.

Privy Seal
Records,
Book xvii.
fol. 92.

N^o 6. Gift of the ward and non-entries of the same lands of Cassiltoun and Fynnart-Stewart, in favor of John Hamilton of Samuelston, dated 25th August 1543; which gift is precisely in the same terms with that granted in the preceding month of July in favor of Archibald Earl of Argyll.

From the two preceding gifts of the ward and non-entries of the lands of Cassiltoun and Fynnart, dated in July and August 1543, it appears, that Archibald Stuart, the proprietor of these estates, was then dead. He was succeeded by his grandson David, who was the son of Archibald Stuart the younger of Castelmilk, who appears to have predeceased his father; and therefore, though this Archibald the younger had got right to and made up his titles, during his father's life, to the lands and estate of Castelmilk in Annandale, yet it appears that he never succeeded to or enjoyed either the estate of Cassiltoun in Lanarkshire, or the estate of Fynnart in Renfrewshire; these estates were taken up by David Stuart, as heir to his grandfather Archibald Stuart the elder of Castelmilk.

FIFTEENTH GENERATION.

1. DAVID STUART of Castelmilk, eldest Son of the preceding ARCHIBALD, younger of Castelmilk.
2. ALEXANDER STUART of Craigs, Tutor of Castelmilk, died without male issue, leaving three Daughters, Coheireffes.
3. JOHN STUART, Rector of the College of Glasgow from 1545 to 1550, died without issue.

PROOFS concerning DAVID STUART, the eldest Son of ARCHIBALD.

N^o 1. CHARTER of sale, dated 27th May 1546, granted by James Stuart of Cardonald, in favor of David Stuart of Castelmilk, bearing, that he had sold to David his Five Pound Land of Old Extent of Henriestoun, lying in the barony and shire of Renfrew.

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N^o XV.
In the charter-
chest of Sir
John Stuart.

N^o 2. Decreet before the Consistorial Court of Glasgow, decerning John Maxwell of Berfsfield, and John Hamilton in Humble, conjunctly and severally, to make payment to David Stuart of Castelmilk of forty-four merks Scots money yearly for nine years, for the tack of the lands and fortalice of Castelmilk, let to Robert Lord Maxwell for the said space by the said David Stuart, dated 1st July 1546.

In the inven-
tory of the
Annandale
papers at
Hopetoun
house.

N^o 3. Seisin, dated 2d October 1550, in favor of David Stuart of Castelmilk, as heir of Archibald Stuart his grandfather in the Twenty Merk Lands of Cassiltoun in the shire of Lanark, proceeding on a precept forth of the Chancery.

The seisms
N^o 3 and 4,
in Sir John
Stuart's char-
ter-chest at
Castelmilk.

N^o 4. Another seisin, dated 20th October 1550, in his favor, as heir to the said Archibald Stuart his grandfather, in the Twenty-six Merk Eight Shilling and Four-penny Land of Fynnart-Stewart, in the shire of Renfrew, proceeding on a precept forth of the Chancery.

N. B. These

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N° XV.

N. B. These two seifins, dated in October 1550, are particularly mentioned in an old inventory of the title deeds of the Castelmilk family, drawn up in the year 1667, as then in the possession of the family, but have somehow been mislaid since that time—they may yet be found; at any rate, their place will be supplied by the other evidence which connects David Stuart of Castelmilk with his ancestors: particularly it is supplied by the precept of clare, (No. 7, in the Sixteenth Generation,) which declares Archibald (the son of this David) to be the grandson of Archibald (who was the father of this David); consequently that proves David to have been the son of that Archibald.

Record, Book
xxx. N° 461.

N° 5. Charter of resignation under the Great Seal, dated 24th November 1550, in favor of David Stuart of Castelmilk, and Janet Cunningham his spouse, of the Five Pound Lands of Old Extent of Dowart in the barony and sheriffdom of Renfrew, proceeding on David's own resignation.

Amongst the
Castelmilk
papers.

N° 6. Precept of seifin, dated 13th March 1551, by David Stuart, designed in the precept of *Cassiltoun and Fynnart*, for infesting John Kennedy, son and heir of Thomas Kennedy of Knockreoch, in the Twenty Shilling Land of Drumbain in the shire of Air, which precept is signed thus: "*David Stewart of Castelmilk and Cassiltoun.*"

This charter
and infest-
ment are in the
charter-chest
of Sir John
Stuart at
Castelmilk.

N° 7. Charter, dated 12th May 1554, granted by David Stuart designed *de Castelmilk, ac Dominus terrarum de Cassiltoun*, whereby he granted to Eupham Stirling, &c. an annual rent of 20*l.* Scots, forth of his lands of the mains of Cassiltoun in the shire of Lanark; upon which charter infestment followed the same day, and amongst the witnesses to the infestment there is John Stuart, brother of the said David Stuart of Castelmilk. The charter is signed by David, thus: "*David Stewart of Castelmilk.*"

Privy Seal
Records,
lib. xxvii.
p. 41.

N° 8. Gift of non-entry, dated 22d May 1554, in favor of David Stuart of Castelmilk, whereby the duties of the Twenty Shilling Lands of Drumbain in the shire of Air were granted to him since the decease of Isabella Norvell.

N. B. This Isabella Norvell was wife of William Stuart of Castelmilk, who was father of Alexander Stuart, great-grandfather of this David Stuart.

N° 9.

N^o 9. Charter of resignation by James Stuart of Cardonald, in favor of David Stuart of Castelmilk, of the lands of Easter Henristoun, dated 27th May 1555.

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VII.

N^o XV.

A letter to Alexander Stuart, tutor of Castelmilk, of the gift of non-entries of the lands of Castelmilk, &c. to be in force no longer than the said Alexander or his heirs happens or happen to live at the place, or to leave a wife, able man to keep the same, dated June 7th, 1556.

Among the
writs in Sir
John Stuart's
charter-chest.

Privy Seal
Records,
Book xxviii.
p. 28.

David Stuart appears to have died either in 1556 or early in 1557.

SIXTEENTH GENERATION.

1. ALAN STUART, eldest Son of David, succeeded his Father ; but died without Issue in 1557.
2. ARCHIBALD STUART, second Son of DAVID of Castelmilk succeeded, and carried on the Line of the Family.

PROOFS concerning ALAN STUART, the eldest Son.

AS David Stuart of Castelmilk died either in the year 1556 or beginning of 1557, and Alan Stuart his son died at latest before the end of the year 1557, and without leaving issue, so it appears, that during the short time he lived after his father's death, he had not made up his titles either to the lands of Castelmilk in Anandale, the lands of Cassiltoun in Lanarkshire, or the lands of Fynart in Renfrewshire. The only lands to which he made up his titles was to the lands of Henriestoun in Renfrewshire held of a subject superior, James Stuart of Cardonald. The evidence of his having made up his titles to these lands of Henriestoun is a precept

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N^o XVI.

PART of *clare constat*, dated 13th January 1557-8, by James Stuart of Cardonald, as Superior, for infefting Archibald Stuart, brother of Alan Stuart, son of David Stuart of Castelmilk, as heir to Alan his brother, in the lands of Easter Henriestoun in the shire of Renfrew.

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Nº XVI.
This precept of *clare constat* in the charter-chest of Sir John Stuart.

This precept of *clare* not only shews that Alan Stuart had been the last vassal in these lands, but that he had died before 13th of January 1557-8, and that Archibald Stuart was heir to his brother Alan.

PROOFS concerning ARCHIBALD STUART of Castelmilk, the Brother of ALAN, and the Son of DAVID STUART of Castelmilk.

Nº 1. Precept of *clare constat* before-mentioned, 12th January 1557, by James Stuart of Cardonald, for infefting Archibald as heir to his brother Alan in the lands of Henriestoun.

In the charter-chest of Sir John Stuart.

Nº 2. It appears that Archibald Stuart, when he succeeded to his father and brother in the year 1557, must have been very young, for he was not of age upon the 11th of November 1572, as appears from a grant of redemption executed by him of that date, in favor of John Stuart of Bowhouse, wherein Archibald (designed son and heir of David Stuart) obliges himself to ratify that grant when of perfect age. The affairs of the family were, during a long minority, managed by his uncle Alexander Stuart of Craigs, who thence got the title of *Tutor of Castelmilk*.

It was probably owing to his minority that there was so long a delay in making up his titles to the lands which belonged to his ancestors, and were held by them ward or taxt-ward of the Crown, or of the Prince and Stewart of Scotland, as will appear from what follows.

In the Public Records, Book xxxii. No 29.

Nº 3. Charter under the Great Seal, dated 28th November 1570, of the Twenty-six Merk Eight Shilling and Four Penny Lands of Old Extent of Fynnart-Stewart in the shire of Renfrew, in favor of Archibald Stuart of Castelmilk, and Janet Stuart, daughter of Sir John

John Stuart of Minto, Knight, his future spouse, in conjunct fee and liferent, and to the heirs of Archibald, proceeding upon his own resignation.

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No XVI.

N^o 4. Retour of the special service of Archibald Stuart, as son and heir of David Stuart of Castelmilk, in the lands of Caffiltoun in Lanarkshire, and the lands of Fynnart-Stewart in Renfrewshire, dated 1576.

N. B. This retour is amissing, but there were precepts from the Chancery, and infestments in consequence of it.

N^o 5. Instrument of seisin, dated 23d April 1576, given to Archibald Stuart of Castelmilk, as son and heir of the deceased David Stuart his father, in the Twenty Merk Lands of Caffiltoun, proceeding on a precept forth of the Chancery.

N^o 6. Another instrument of seisin, dated 4th November 1576, in favor of the said Archibald Stuart, as son and heir of the said David Stuart his father, in the Twenty-six Merk Eight Shilling and Four Penny Lands of Fynnart-Stewart, proceeding on a precept forth of the Chancery.

These two seisins, dated in 1576, are particularly mentioned in the old inventory (1667) of papers then in the possession of the Castelmilk family; but upon a search lately made, they have not been found there: the want of them however is of no consequence, as it is otherways sufficiently proved that this Archibald Stuart was the son of David Stuart; particularly by the precept of *clare constat*, and also by the grant of redemption mentioned on the preceding page.

Concerning the Lands of Castelmilk in Annandale.

N^o 7. Precept of *clare constat*, dated 2d November 1579, granted by Robert Stuart, Earl of Lennox, Lord Derneley, as superior of the lands of Castelmilk in Annandale, in favor of Archibald Stuart, for infesting him in the lands of Castelmilk and Bromhill in the stewartry of Annandale, as nearest and lawful heir of his grandfather Archibald Stuart before-mentioned, to be held ward of the Earl of Lennox.

In the charter-
chest of Sir
John Stuart.

In Sir John
Stuart's char-
ter-chest.

N. B. In this deed granted by the Earl of Lennox, he describes Archibald Stuart of Castelmilk as his beloved cousin. The words are, "*Consanguineus noster dilectus.*"

N^o 8. Charter of *novodamus* by Robert Earl of Lennox, as superior of the lands of Castelmilk, in favor of the said Archibald Stuart, granting to him *de novo* the said lands of Castelmilk and Bromhill, dated 13th November 1579.

Archibald Stuart was infeft on the precept of *clare constat* on 9th November 1579, and upon the charter of *novodamus* on the 2d of February 1579 (1580).

It appears, from a contract between John Lord Maxwell and this Archibald Stuart of Castelmilk, dated 27th November 1578, and registered in the Books of Session the same day, that Archibald Stuart agreed to dispoise in feu-farm to John Lord Maxwell, for certain considerations therein mentioned, all and hail the lands of Castelmilk, with the tower, fortalice, &c. lying in the stewartry of Anandale, which, in any time bygone, had pertained to the said Archibald Stuart or his predecessors, excepting always the Ten Merk Lands of Brummel and Toddeldmuir; to be holden of the said Archibald Stuart and his heirs in feu-farm for ever, paying therefor yearly such like yearly mail for the feu-mail thereof as is contained in the tack and assedation which was set by the deceased Archibald Stuart of Castelmilk, younger, grandfather of the said Archibald Stuart now thereof, and Margaret Maxwell his spouse, to the deceased Robert Lord Maxwell and Agnes Stuart, Countess of Bothwell, his spouse, of the date, at Castelmilk, the 6th day of April 1541, and after the form and tenor thereof allenary; and the said Archibald Stuart obliged himself between and the 12th January then next, (1579,) to bring and produce his predecessors and his own hail evidents, charters, infeftments, and seifins of the said lands to Edinburgh, and that he should then perform and expedite the said infeftment of feu-farm to the said Lord Maxwell, in such manner as the said Lord shall devise; and further, obliged himself to obtain from the *Earl of*

Lennox

Lennox superior thereof, a sufficient charter of confirmation upon the said infeftment in fure manner, past under his subscription and seal.

PART
VII.

Nº XVI.

In the preceding contract, Archibald Stuart, one of the contracting parties, is described grandson of that Archibald Stuart of Castelmilk, younger, who with Margaret Maxwell, his spouse, had granted a tack in the year 1541, to Robert Lord Maxwell, of the lands of Castelmilk. It follows therefore necessarily from this description, that David Stuart, the father of this Archibald, must have been the son of Archibald Stuart the husband of Margaret Maxwell; for when two things are proved, first, that Archibald was the son of David; and, secondly, that the same Archibald was the grandson of Archibald the husband of Margaret Maxwell; it must follow that David was the son of that Archibald.

In consequence of this contract, a charter of alienation of feu-farm was, upon the 2d of March 1579, granted by the said Archibald Stuart to John Lord Maxwell; whereby Archibald disposed to him the lands of Castelmilk, (except the lands of Brummel and Toddellmuir, extending to a Ten Merk Land,) to be holden of the said Archibald Stuart, for payment of forty merks of feu-duty.

Upon this charter of alienation John Lord Maxwell was infeft in the lands of Castelmilk upon the 24th of March 1579 (1580).

Since the above period, the property and possession of the Forty Merk Lands of Castelmilk in Annandale was transferred from the Stuarts of Castelmilk to the Maxwells; but the Stuarts have always retained the title of *Castelmilk*; and, in order to preserve the remembrance of their connexion with their old inheritance, they transferred the name or description of the lands of *Castelmilk* in Annandale, to the lands of *Cassiltoun* in Lanarkshire, as appears from Crown charters and other deeds soon after that period.

Nº 9. Commission, dated 28th July 1604, and recorded in the Books of Session 17th February 1606, by Ludovic Duke of Lennox, whereby he appoints *Archibald Stuart of Castelmilk* one of his Commissioners for managing his estates in Scotland; the other Commissioners thereby appointed are, Hugh Lord Loudoun, Walter,

Records of the Court of Session; and there is an extract of the Commission in the possession of the Duke of Montrose.

Com-

PART VII. Commendator of Blantyre, Sir William Stuart of Traquair, Sir
 Matthew Stuart of Minto, &c.
 No XVI.

This Archibald Stuart of Castelmilk, son of David, died in the year 1612, and his wife Janet Stuart, daughter of Sir John Stuart of Minto, and sister of Walter Stuart, the first Lord Blantyre, died in the year 1613, as appears from the records of the church of Carmunnock, where they were both buried.

Of the marriage between Archibald and Janet Stuart, there was one son Archibald, who succeeded him, and four daughters, to wit,

Margaret, married first to John Stuart of Blackhall and Ardgowan, and secondly, to Matthew Wallace of Garfcadden.

Elizabeth, married to Alexander Cunningham of Craigends.

Johanna, married to John Wallace of Cairnhill.

Mary, married to Nicol Cornwall of Bonhard.

SEVENTEENTH GENERATION.

Sir ARCHIBALD STUART of Castelmilk and Fynart, Son of the preceding ARCHIBALD, and Grandson of DAVID.

PROOFS concerning Sir ARCHIBALD STUART of Castelmilk, Grandson of DAVID, and Husband of ANNE SEMPLE, Daughter of ROBERT Lord SEMPLE.

PART VII. No XVII. This contract is recorded in the Books of Session on 3d April 1793. No I. ORIGINAL contract of marriage, dated at Renfrew, 8th June 1603, between Archibald Stuart, therein designed son and apparent heir of Archibald Stuart of Castelmilk, and Anne Semple, eldest daughter of the marriage between Robert Lord Semple and Lady Margaret Montgomery, daughter of Hugh Earl of Eglin-

Eglintoune; to which contract Archibald Stuart the father, and Robert Lord Semple, are parties.

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Nº XVII.

Nº 2. Special service and retour of this Sir Archibald Stuart, as heir to his father Archibald Stuart of Castelmilk, dated 23d June 1628.

N. B. This special service is amissing; but the precept from the Chancery, and the seifins following on it, are still extant.

Nº 3. Precept forth of the Chancery, dated 23d June 1628, directed to the sheriff of Renfrew, for infesting the said Sir Archibald Stuart, as son and heir of the deceased Archibald his father, in all and haill the Twenty Merk Lands of Cassiltoun, and Forty Merk Lands of Fynnart-Stewart.

This precept
in Sir John
Stuart's char-
ter-chest.

This precept orders security to be taken for the sum therein mentioned, because that the lands had remained in the hands of the Crown for about seventeen years, by reason of non-entry.

Nº 4. Instrument of seisin, dated 31st October 1629, in favor of Sir Archibald Stuart in the Twenty Merk Lands of Cassiltoun, proceeding on the said precept from the Chancery.

In Sir John
Stuart's char-
ter-chest.
Ibid.

Nº 5. Instrument of seisin, dated 9th November 1629, in favor of the said Sir Archibald Stuart, of the lands of Fynnart-Stewart in Renfrewshire, proceeding on the said retour and precept from the Chancery.

From a memorandum on the back of the original contract of marriage before-mentioned, it appears that Anne Semple died in December 1631, and that Sir Archibald Stuart, her husband, died on the 12th of June 1660. They were both buried in the church of Carmunnock, which is the parish church of Cassiltoun, now called Castelmilk.

Of that marriage there were two sons, *viz.* Archibald Stuart of Castelmilk, the eldest, and James Stuart of Torrance, the second son; likewise one daughter, Janet, married to John Hamilton of Udston, Esq.

EIGHTEENTH GENERATION.

ARCHIBALD, the eldest Son of the Marriage between
Sir ARCHIBALD STUART and ANNE SEMPLE, Daughter
of ROBERT Lord SEMPLE.

JAMES STUART of Torrance, second Son of that
Marriage.

PROOFS concerning ARCHIBALD STUART, the eldest Son.

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VII.

N^o XVIII.
In the charter-
chest of Sir
John Stuart.

N^o 1. ORIGINAL contract of marriage, dated 14th February
1634, between Archibald Stuart, younger of Castelmilk,
with consent of his father Archibald Stuart, Knight, on the one
part, and Lady Mary Fleming, daughter of John Earl of Wigtoun,
on the other part.

In the charter-
chest of Sir
John Stuart,
and also in the
Public Re-
cords.

N^o 2. Charter of resignation under the Great Seal, dated 15th
December 1634, proceeding on a procuratory of resignation, dated
13th December 1634, and registered in the Books of Session, 4th
March 1635, in favor of Archibald Stuart, eldest lawful son and
apparent heir of Sir Archibald Stuart of Fynnart, Knight, and Lady
Mary Fleming his wife, in conjunct fee and liferent, and to the
heirs male to be procreated between them; whom failing, to the
said Archibald Stuart, his heirs male and assignees, of certain parts
of the Twenty Merk Lands of Cassiltoun in the shire of Lanark;
and likewise granting to Sir Archibald Stuart the father, in liferent,
and to the said Archibald Stuart his eldest son, and his forefairs, in
fee, the Forty Merk Lands of Fynnart-Stewart and others in the
shire of Renfrew.

This

This Archibald Stuart younger predeceased his father, having died in May 1643. He left one son, Archibald, who succeeded to his father and grandfather; and one daughter, Anne, married to John Crawford, eldest son of John Crawford, Esq. of Crawfordland.

PART
VII.
N^o XVIII.

PROOFS concerning JAMES STUART of *Torrance*, second Son of the Marriage between Sir ARCHIBALD STUART and ANNE SEMPLE, eldest Daughter of ROBERT Lord SEMPLE.

N^o 1. Contract, dated 7th and 10th December 1647, between James Earl of Abercorn, and *James Stuart*, therein designed *lawful son of Archibald Stuart of Castelmilk, Knight*; whereby the Earl set to him, and his heirs and assignees, the teind-sheaves and parsonage-teinds of the lands of Caffiltoun and others.

In the charter-
chest of Sir
John Stuart.

N^o 2. Procuratory of resignation, dated 13th November 1667, by Sir Archibald Stuart of Castelmilk, (who was grandson of Sir Archibald Stuart the husband of Anne Semple,) for resigning the lands of Caffiltoun, Finnart-Stewart, &c. in the hands of the superiors, for new infestments in favor of himself and Mrs. Mary Carmichael, his spouse, in conjunct fee, and the heirs male to be procreated between them; and failing heirs male of his own body, to *James Stuart of Torrance, his uncle*, and the heirs male of his body; which failing, to the eldest daughter and heir female of the body of Sir Archibald Stuart the granter; upon which procuratory an instrument of resignation followed on the 22d of November 1667.

This procura-
tory instru-
ment of resig-
nation are in
the charter-
chest of Sir
John Stuart.

These deeds are sufficient for proving the relationship of James Stuart of Torrance to the Castelmilk family, to wit, that he was second son of Sir Archibald Stuart, who married Anne Semple, and the younger brother of Archibald Stuart who married Lady Mary Fleming.

This James Stuart of Torrance married a daughter of Sir Alexander Cunningham of Corsehill, Baronet, and died in the year 1690,

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No XVIII.

at the age of seventy-six; and was succeeded in the estate of Torrance by his son,

Alexander Stuart of Torrance, who married Isabel, eldest daughter of Sir Patrick Nisbet of Dean, Baronet; of which marriage there were seven sons and three daughters. He died in the year 1733.

The daughters of the marriage were, 1st, Agnes, married to Matthew Crawford, merchant in Glasgow; 2d, Margaret, married to Alexander Inglis Hamilton, Esq. of Murdoftoun; 3d, Christian, married to Sir William Maxwell of Calderwood, Baronet.

Of the seven sons, only three of them survived their father Alexander, to wit,

James Stuart of Torrance, eldest son, Lieutenant Colonel of the 3d regiment of foot-guards, and one of the Gentleman Ushers to King George the First. He died unmarried in the year 1743, and was succeeded by his brother *Patrick Stuart of Torrance*, Captain in the Royal regiment of foot, and some time Representative in Parliament for the county of Lanark. He died unmarried in the year 1760, and was succeeded by his brother *Archibald Stuart of Torrance*, who carried on the line of the Torrance family. He married Elizabeth, daughter of Sir Andrew Myreton of Gogar, Baronet, and died in November 1767, leaving three sons and three daughters.

1st Son, Alexander Stuart of Torrance, married Elizabeth Nisbet, daughter of John Nisbet of Northfield, Esq. and died on the 23d of March 1796, without issue.

2d Son, Andrew Stuart, who during several years represented the county of Lanark in parliament, and is now member of parliament for Weymouth; he married Margaret Stirling, daughter of Sir William Stirling of Ardoch, Baronet, and succeeded to the estate of Torrance on the death of his brother Alexander Stuart.

3d Son, James Stuart, Major General in his Majesty's service, and Colonel of the 31st regiment of foot, married Lady Margaret Hume,

Hume, daughter of Hugh Earl of Marchmont, and died on the 2d of February 1793, without issue.

1st Daughter, Jane, married to Thomas Earl of Dundonald.—
2d Daughter, Isabel, married to Sir Robert Henderson of Fordel, Baronet.—3d Daughter, Elizabeth, married to William Binning of Pilmuir, Esq. Advocate.

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No XVIII.

NINETEENTH GENERATION.

Sir ARCHIBALD STUART of Castelmilk, Son of the Marriage between ARCHIBALD STUART younger of Castelmilk and Lady MARY FLEMING.

PROOFS concerning this Sir ARCHIBALD.

N^o 1. SPECIAL Service, dated 31st July 1661, by which this Sir Archibald was served and retoured heir to his father Archibald, who died in May 1643, and likewise heir to his grandfather Sir Archibald, who died 12th June 1660.

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VII.

No XIX.

This retour is
in Sir John
Stuart's char-
ter-chest.

The lands contained in this special service are, the lands of Castelmilk in Lanarkshire, and the lands of Fynnart in Renfrewshire; and the retour ascertains, that Archibald the father had died in May 1643, and Sir Archibald the grandfather on 12th June 1660.

N^o 2. Original Contract of Marriage, dated 2d September 1665, between Sir Archibald Stuart of Castelmilk, and Mrs. Mary Carmichael, with consent of William Duke of Hamilton her uncle, James Lord Carmichael her grandfather, Sir Daniel and Sir James Carmichaels her uncles, and John, Master of Carmichael, her brother.

In Sir John
Stuart's char-
ter-chest.

N^o 3. Letters Patent, or Diploma, dated 29th February 1668, by which this Sir Archibald Stuart was created a Knight Baronet of Nova Scotia.

In Sir John
Stuart's char-
ter-chest.

PART
VII.N^o XIX.

N^o 4. Charter under the Great Seal, dated 4th August 1680, granting the lands of Castelmilk, *alias* Caffiltoun, &c. in favor of William Stuart the eldest son; whom failing, to Archibald the second son; whom failing, to Daniel the third son; whom failing, to James the fourth son of Sir Archibald Stuart, and the heirs male of their bodies successively; whom all failing, to the *heirs male whatsoever* of the said Sir Archibald Stuart.

Sir Archibald died in the year 1681, leaving four sons, *viz.* 1st, William, who succeeded him; 2d, Archibald; 3d, Daniel; 4th, James Stuart. And two daughters; 1st, Anne, married to Sir William Cunningham of Cunninghamhead, Baronet; and 2d, Martha, married to James Houstoun of Houstoun, Esq. son of Sir Patrick Houstoun of Houstoun, Baronet.

TWENTIETH GENERATION.

1. Sir WILLIAM STUART, who succeeded his Father Sir ARCHIBALD in 1681.
2. ARCHIBALD STUART, died unmarried.
3. DANIEL STUART, left two Sons, both of whom died without Issue.
4. JAMES STUART, died unmarried.

PART
VII.N^o XX.
In Sir John
Stuart's char-
ter-chest.

PROOFS concerning Sir WILLIAM STUART the eldest Son.

N^o 1. **G**ENERAL Service, dated 18th February 1682, of Sir William Stuart, as son and heir of Sir Archibald Stuart of Castelmilk.

N^o 2.

N° 2. Charter of Resignation under the Great Seal, dated 24th April 1694, in favor of Sir William Stuart, of the lands of Caffil-
toun and others.

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VII.

N° XX.

Sir William Stuart married Margaret, daughter and sole heiress of John Crawford of Milton, Esq. and died in November 1715, leaving two sons, Archibald and John, and one daughter, Margaret, married to John Belsches, Esq. of Invermay; of which marriage there was one son, John Belsches, Esq. now of Invermay.

In Sir John
Stuart's char-
ter-chest.

With regard to the younger brothers of Sir William Stuart of Castelmilk, Archibald the second, and James the fourth, brothers, died unmarried; Daniel, the third brother, married the eldest daughter of Sir George Wishart, Baronet; of which marriage there were two sons, George, who died unmarried, and William, who having succeeded to Sir George Wishart's Baronetage, became Sir William Stuart. He died at Paris in the year without issue.

Daniel left also two daughters, whereof Delia, the youngest, died unmarried. The eldest daughter, Mary, married John Belsches, Esq. of Invermay, of which marriage there was one daughter, Æmelia, who married Dr. William Belsches; and the present Sir John Belsches, Baronet, is the only son of that marriage.

TWENTY-FIRST GENERATION.

1. Sir ARCHIBALD STUART, eldest Son of Sir WILLIAM, succeeded to his Father in 1715.
2. JOHN STUART, second Son, who succeeded to his Brother Sir ARCHIBALD in 1763.

PROOF concerning Sir ARCHIBALD STUART of Castelmilk, eldest Son of Sir WILLIAM.

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VII.
N^o XXI.

CHARTER under the Great Seal, dated 26th July 1716, in favor of Sir Archibald Stuart of Castelmilk, described eldest son of the deceased Sir William Stuart of Castelmilk, Baronet, of the lands of Caffiltoun (now called Castelmilk) and others.

Sir Archibald married Frances, daughter of James Stirling of Keir, Esq. and left by her an only child, Ann, who married her cousin, Sir John Stuart of Castelmilk.

Sir Archibald died on the 5th of January 1763.

PROOF concerning Sir JOHN STUART of Castelmilk, who succeeded to his Brother Sir ARCHIBALD in January 1763.

Special Service, dated 25th March 1763, in favor of Sir John Stuart, as heir to his brother Sir Archibald, in the estate of Caffiltoun in Lanarkshire, and the estate of Fynnart in Renfrewshire, &c.

Sir John Stuart married Helen, daughter of John Orr, Esq. of Barrowfield, and died on the 1st of April 1781, leaving three sons; to wit,

First son, Sir John Stuart of Castelmilk;

Second

SIR JOHN STUART OF CASTELMILK.

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Second son, William Stuart Crawford, who died 24th November 1783, unmarried; PART
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Third son, Francis Stuart Crawford, who died on 11th January 1793, unmarried: Nº XXI.

And three daughters, first, Helen, who died in November 1787, unmarried;

Second, Margaret, married to Colin Rae of Little Gowan, Esq. who, on the death of her brother Francis, succeeded to the estate of Milton, and now takes the name of Crawford.

Third daughter, Jane, married to William Stirling of Keir, Esq.

TWENTY-SECOND GENERATION.

1. Sir JOHN STUART of Castelmilk, eldest Son and Heir of the preceding Sir JOHN.
2. WILLIAM STUART CRAWFURD, died in November 1783 unmarried.
3. FRANCIS STUART CRAWFURD, died in January 1793 unmarried.

PROOF concerning Sir JOHN STUART of Castelmilk, eldest Son of Sir JOHN STUART, who died in the year 1781.

CHARTER under the Great Seal, dated 6th August 1781, in favor of Sir John Stuart of Castelmilk, Baronet, of the lands of *Cassiltoun* (now called *Castelmilk*) in Lanarkshire, and the lands of *Finnart* or *Fynnart-Stewart* in the shire of Renfrew. PART
VII.
Nº XXII.

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VII.

This last Sir John Stuart married his cousin Anne, only daughter of his uncle Sir Archibald Stuart of Castelmilk, Baronet, and died on the 18th day of January 1797, without issue.

No XXII.

THE whole of this Part VII. was drawn up, printed, and circulated in the lifetime of the above-mentioned Sir John Stuart, about three years before his death, with a view to support his claim for being served and declared the lineal heir male and representative of the first Sir William Stuart of Castelmilk, as descended from him in a course of succession which had uniformly been carried on in the male line for the space of about four hundred years. That service was intended to have taken place ere now, if Sir John Stuart had lived. No additions have been made in this part of the work then prepared, excepting that some of the articles towards the beginning of this Part VII. are made more full, and contain some explanations, which were rendered necessary for the purpose of defeating those hostile attacks which, in the before-mentioned Paper circulated on the part of the Earl of Galloway, had been made either directly or indirectly upon some of the articles contained in Sir John Stuart's State of the Evidence.

In the short period since that State was printed and circulated in the year 1794, two deaths have happened, which have produced an alteration in the representation of the Stuarts of Castelmilk and of Torrance; Alexander Stuart, proprietor of the estate of Torrance, and the nearest heir male of the Castelmilk family, died on the 23d March 1796, without issue; whereupon Andrew Stuart, his immediate younger brother, succeeded to him in the estate of Torrance; and the said Sir John Stuart of Castelmilk having died on the 18th of January 1797, without
issue,

issue, the said Andrew Stuart has succeeded also to the estate of Castelmilk, as being then the nearest heir male of the said Sir John Stuart his cousin, who executed a settlement of his estate in favor of the heirs male of the Castelmilk family in the first instance.

The relationship and connection between the Stuarts of Castelmilk and the Stuarts of Torrance, has been traced in the preceding Genealogical History, page 377; from which it appears that they are precisely of the same family and origin; for Sir Archibald Stuart of Castelmilk, the great-grandfather of the late Sir John Stuart, and James Stuart of Torrance, the great-grandfather of Andrew Stuart, were full brothers, both of them being sons of that Sir Archibald Stuart of Castelmilk who married Ann Semple, eldest daughter of Robert Lord Semple.

Hence it follows, that the right which belonged to, and was claimed by the deceased Sir John Stuart of Castelmilk, of being the lineal heir male and representative of the first Sir William Stuart of Castelmilk, and of course the representative and heir male of the Derneley and Lennox families, (after the death of Cardinal York,) has devolved upon the said Andrew Stuart of Castelmilk and Torrance, who is now the person entitled, and must feel it to be his duty, to assert the rights belonging to the Castelmilk family, in the same manner that the late worthy proprietor of the estate, Sir John Stuart, while at the head of the family, intended to have done.

1893

A P P E N D I X;

CONTAINING

THE PAPERS REFERRED TO IN THE PRECEDING GENEALOGICAL HISTORY.

No. I. pp. 70, 71.

I. CHARTER by *Robert the Stewart of Scotland* in favor of his beloved cousin *Sir John Stewart Lord of Crookyston*, and the heirs male therein mentioned, of all those lands and tenements which the said Sir John Stuart or his predecessors held of the Stewart of Scotland or his predecessors; dated at Rothsay in the year 1356.

OMNIBUS hanc cartam visuris vel audituris, Robertus Senescallus Scotie salutem in Domino sempiternam, Quia dilectus consanguineus noster Dominus Johannes Senescallus Miles Dominus de Crokiston, omnes terras et tenementa quas vel que de nobis tenuit in capite, purè et simpliciter in manibus nostris per fustenn et baculum resignavit, confidans quod honore et vatitate nostri cognominis quod pro ceteris in licitis exaltare et confovere tenemur viz. ne hereditas illa ad aliquos aliud cognomen quam Senescalli habentes in posterum devolvatur; Noveritis nos dedisse concessisse et hac presenti carta nostra confirmasse prædicto dilecto consanguineo nostro Domino Johanni Senescallo Militi et heredibus suis masculis de corpore suo legitimo procreatis vel procreandis, omnes illas terras et tenementa cum pertinenciis quas vel que prædictus Dominus Johannes et predecessores sui de nobis et predecessoribus nostris tenuit vel tenuere aliquibus temporibus retroactis; Et si contingat heredem vel heredes masculos prædicti Domini Johannis absque heredibus masculis de corpore vel corporibus eorundem legitime

legitime procreatis in fatum decedere, quod absit, volumus et per presentes concedimus, quod omnes terræ et tenementa prædicta cum pertinenciis ad Walterum Senescallum fratrem prædicti Domini Johannis et heredibus suis masculis de corpore suo legitime procreatis hereditarie succedant et descendant; Et si contingat prædictum Walterum absque heredibus masculis de corpore suo legitime procreatis ut supra in fatum decedere, quod absit, volumus et per presentes concedimus, quod omnes dictæ terræ et tenementa cum pertinenciis ad Dominum Alexandrum Senescallum, fratrem ipsius Domini Johannis et heredibus suis masculis de corpore suo legitime procreatis hereditarie ut prædicitur succedant et descendant; Et si contingat prædictum Dominum Alexandrum absque heredibus masculis de corpore suo legitime procreatis in fatum decedere quod absit, volumus et per presentes ut supra concedimus quod dictæ terræ et tenementa ad virum de sanguine ipsius Domini Johannis propinquiorem cognomine Senescalli nominatum et heredibus suis semper masculis hereditarie cum pertinenciis suis succedant et descendant in eternum; tenend' et habend' eidem Domino Johanni et heredibus suis masculis supernominatis, de nobis et heredibus nostris per omnes rectas metas suas et divisas adeo libere plenarie quiete honorifice bene et in pace in omnibus et per omnia sicut carta sua inde confecta in se plenius proportat et testatur; Faciendo inde idem Dominus Johannes et heredes sui masculi superdicti tria secta nobis et heredibus nostris servitium inde debitum et consuetum In cujus rei testimonium sigillum nostrum presentibus est appensum Dat' apud Castrum de Rothsay in festo Purificationis Beatae Marie Virginis anno Domini millesimo tricentesimo quinquagesimo sexto.

II. CHARTER, dated in the year 1361, by *Robert, Stewart of Scotland* and *Earl of Strathern*, in favor of *Sir John Stuart of Derneley, Knight*, and his Heirs Male therein mentioned, of the Lands of *Crokysfou*, of *Inchennan*, and of *Pertbaikscot*.

OMNIBUS hanc cartam visuris vel audituris, Robertus Senescallus Scotie Comes de Stratherne, salutem in Domino sempiternam, Cum dilectus consanguineus noster Dominus Johannes Senescalli de Dernelee Miles apud Dernelee in loco habitationis sue coram nobis ac Johanne Senescallo Domino

mino de Kyle primogenito nostro et herede ac nonnullis aliis de nostro consilio personaliter constitutis die Lune decimo die mensis Januarii anno Domini millesimo trecentesimo sexagesimo primo omnes terras suas de *Crokysfou de Inchenan* et de *Perthaikscott* cum pertinentiis infra baroniam nostram de Renfrew quas de nobis tenuit in capite nobis per fustem et baculum sursum reddidit ac pure et simpliciter resignavit, Noveritis nos dedisse et ex certa scientia concessisse ac presenti carta nostra confirmasse eidem Domino Johanni Militi consanguineo nostro omnes terras de *Crokysfou de Inchenan* et de *Perthaikscott* prædictas, tenend' et habend' eidem Domino Johanni et Roberto filio et heredi suo ac ipso filio sine herede masculino superstiti ab hac luce sublato, aliis heredibus ipsius Domini Johannis masculis de corpore suo legitime procreatis seu procreandis ac dictorum heredum heredibus seu heredi masculis seu masculino de eorum corporibus procreandis seu procreando per lineam directam ab ipsis seu ipsorum aliquo descendantibus seu descendentibus in feodo et hereditate, per omnes rectas metas et divisas suas libere quiete plenarie integre et honorifice cum tenandriis et serviciis libere tenentur et cum omnibus aliis libertatibus commoditatibus ayfiamenis et justis pertinentiis ad dictas terras spectantibus seu juste spectare valentibus in futurum; faciendo inde nobis et heredibus nostris dictus Dominus Johannes et heredes sui prædicti unam communem sectam ad curiam nostram baronie de Renfrew ad tria placita capitalia tenenda ibidem per annum ac alia servicia de prædictis terris cum pertinentiis debita et fieri consueta; Et si contingat præfatum Dominum Johannem aut heredes suos masculos ac ipsorum heredes masculos per lineam rectam descendentes ut supra absque herede masculino superstiti de corpore alicujus eorundem procreato et per lineam rectam descendente ab hac luce migrare, Donamus et ex nunc pro nobis et heredibus nostris concedimus et hac presenti carta nostra confirmamus omnes terras de *Crokysfou de Inchenan* et de *Perthaikscott* prædictas cum pertinentiis Waltero Senescallo fratri prædicti Domini Johannis Senescalli tenend' et habend' sibi et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ac ipsorum heredibus masculis de eorum corporibus legitime procreandis et per lineam rectam descendantibus ut supra in feodo et hereditate, adeo libere quite plenarie integre et honorifice sicut præfato Domino Johanni et suis heredibus masculis superius sunt concessæ; Si vero contingat Dominum Walterum aut heredes suos masculos absque heredibus masculis uno vel pluribus de se aut ipsorum aliquo legitimo procreandis seu procreando per lineam rectam descendantibus seu descendentibus debitum natura-

turæ persolvere, Damus ex nunc et hac presenti carta nostra concedimus omnes terras prædictas cum pertinentiis Domino Alexandro Senescallo fratri ipsorum Domini Johannis et Walteri tenend' et habend' eidem Domino Alexandro et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ac eorum heredibus masculis in feodo et hereditate ab eisdem formis et conditionibus quibus præfato Domino Johanni Roberto filio suo et Waltero fratri suo superius conceduntur; Si autem prædictum Dominum Alexandrum aut heredes suos prædictos et ab ipsis descendentes absque herede masculo superstite procreato viam universæ carnis ingredi contigerit, Volumus pro nobis et heredibus nostris et hac presenti carta nostra concedimus, quod ille qui proximior masculus de sanguine et cognomine ipsius Domini Johannis Senescalli pro tempore repertus fuerit et ipsius semper heredes masculi prædicto Domino Johanni filio suo et fratribus suis ac ipsorum heredibus masculis sic deficientibus in dictis terris cum pertinentiis universis hereditario intrare semper succedant, Faciendo nobis et heredibus nostris sectam et servicia sicut supra In cujus rei testimonium sigillum nostrum una cum sigillo prædicti Johannis Senescalli primogeniti nostri presenti carte nostre duximus apponendum, Testibus venerabilibus in Christo patribus Johanne et Roberto Dei gratia de Passeley et de Kylwynyn Abbatibus Roberto de Irskyne, Hugone de Eglyntone et Johanne de Lyle Militibus et multis aliis.

III. CHARTER in the year 1361, by *John Stuart Lord of Kyle Stewart*, in favor of his cousin *Sir John Stuart of Derneley, Knight*, and his heirs male therein mentioned, of the lands of *Torboulton* and of *Dromley*, lying within the barony of *Kyle-Stewart*.

OMNIBUS hanc cartam visuris vel audituris Johannes Senescallus Dominus de Kyle Senescalli salutem in Domino sempiternam, Cum dilectus consanguineus noster Dominus Johannes Senescalli de Dernelee Miles apud Dernelee in loco habitationis sue coram Domino Roberto Senescallo Scotie Comite de Sthne (Strathearn) primogenito nostro karissimo et nobis ac nonnullis aliis de nostro consilio personaliter constitut' die Lune decimo die mensis Januarii anno Domini millesimo trecentesimo sexagesimo primo

primo omnes terras suas de *Torboltoun* et de *Dromley* cum pertinentiis
 infra baroniam nostram de *Kyle* quas de nobis tenuit in capite nobis per
 fustem et baculum sursum reddidit ac pure et simpliciter resignavit, Noveritis
 nos dedisse et ex certa scientia concessisse ac presenti carta nostra confirmasse
 eidem Domino Johanni Militi consanguineo nostro omnes terras de *Tor-*
boltoun et de *Dromley* prædictas tenend' et habend' eidem Domino Johanni
 et Roberto filio et heredi suo ac ipso filio sine herede masculo superstitite ab
 hac luce sublato aliis heredibus ipsius Domini Johannis masculis de corpore
 uo legitime procreatis seu procreandis ac dictorum heredum heredibus seu
 heredi masculis seu masculo de eorum corporibus procreandis vel procreando
 per lineam directam ab ipsis seu ipsorum aliquo descendantibus seu descen-
 denti in feodo et hereditate per omnes rectas metas et divisas suas libere quiete
 plenarie integre et honorifice cum tenandriis et serviciis libere tenentur et
 cum omnibus aliis libertatibus commoditatibus ayfiammentis et justis pertinentiis
 ad dictas terras spectantibus seu juste spectare valentibus in futurum Fa-
 ciendo nobis et heredibus nostris dictus Dominus Johannes et heredes sui
 prædicti tres sectas ad curiam nostram baronie de *Kyle* ad tria placita capi-
 talia tenend' ibidem per annum ac alia servicia de prædictis terris cum per-
 tinenciis debita et fieri consueta Et si contingat præfatum Dominum Johan-
 nem aut heredes suos masculos ac ipsorum heredes masculos per lineam
 rectam descendentes ut supra absque herede masculo superstitite de corpore
 alicujus eorundem procreato et per lineam rectam descendentes ab hac luce
 migrare Donamus et ex nunc pro nobis et heredibus nostris concedimus et
 hac presenti carta nostra confirmamus omnes terras de *Torboltoun* et de
Dromley prædictas cum pertinenciis Waltero Senescallo fratri prædicti
 Domini Johannis Senescalli tenend' et habend' sibi et heredibus suis mas-
 culis de corpore suo legitime procreatis seu procreandis ac ipsorum heredibus
 masculis de eorum corporibus legitime procreandis et per lineam rectam
 descendantibus ut supra in feodo et hereditate, adeo libere quiete plenarie
 integre et honorifice sicut præfato Domino Johanni et suis heredibus mas-
 culis superius sunt concessæ; Si vero contingat Dominum Walterum aut
 heredes suos masculos absque heredibus masculis uno aut pluribus de se
 aut ipsorum aliquo legitime procreandis seu procreando per lineam rectam
 descendantibus seu descendentibus debitum naturæ persolvere, Damus ex nunc et
 hac carta nostra concedimus omnes terras prædictas cum pertinentiis Do-
 mino Alexandro Senescallo fratri ipsorum Domini Johannis et Walteri
 tenend' et habend' eidem Domino Alexandro et heredibus suis masculis de
 corpore suo legitime procreatis seu procreandis ac eorum heredibus masculis
 in

in feodo et hereditate sub eisdem formis et conditionibus quibus præfato Domino Johanni Roberto filio suo ac Waltero fratri suo superius conceduntur Si autem prædictum Dominum Alexandrum aut heredes suos prædictos et ab ipsis descendentes absque hærede masculo superstite procreato viam universæ carnis ingredi contigerit volumus pro nobis et heredibus nostris et hac presenti carta nostra concedimus quod ille qui proximior masculus de sanguine et cognomine ipsius Domini Johannis Senescalli pro tempore repertus fuerit et ipsius semper heredes masculi prædicto Domino Johanni filio suo et fratribus suis ac ipsorum heredibus masculis sic deficientibus in dictis terris cum pertinentiis universis hereditario intrare semper succedant Faciendo nobis et heredibus nostris secta servicia sicut supra et cujus rei testimonium sigillum nostrum presenti carte nostre duximus apponendum Testibus venerabilibus in Christo patribus Johanne et Roberto Dei gratia de Passeley et de Kylwynyn Abbatibus Roberto de Irskyne Hugone de Eglinton et Johanne de Lyle Militibus et multis aliis.

No. II. p. 119.

LETTRES de Don fait par le Roy Charles VII. à Jean Stuart de Derneley Connétable de l'Armée d'Ecosse, de la Terre et Seigneurie d'Aubigny.

CHARLES, par la grace de Dieu Roy de France : Sçavoir faisons à tous presens et à venir, que nous considerans et ayans parfaite connoissance que notre cher et amé cousin Jean Stewart, Seigneur de Darnellé et de Concreffault, Connétable de l'armée d'Ecosse, à *nostre priere et requeste est venu du dit pays d'Ecosse, et a amené avec lui grande compagnie de gens-d'armes et de trait*, en intention et mettant à effet les anciennes alliances des Royaumes de France et d'Ecosse, à notre très grand besoin, affaire, et nécessité, nous a servi et fait encore chacun jour à l'encontre des Anglois nos anciens ennemis, et de plusieurs nos rebelles et désobeissans, au nombre des dits gens-d'armes et de trait en sa compagnie, auquel service en démontrant la grande amour et entiere affection qu'il a envers nous et notre seigneurie, il à du tout mis, employé, et exposé en grand heurt et diligence, lui et tous ceux de sa compagnie, *l'espace de trois ans ou environ*, au bien de nous, du dit royaume, et de notre seigneurie, en quoy il a eu et pris très grande peine travaux et labeurs, en grand peril et danger de sa personne, tant à l'armée et assemblées faites depuis sa venue pour resister aux entreprises de nos dits ennemis et rebelles, qu'autrement pour leur contester, ainsi que plusieurs fois là par effet démontré, et mesmement à *la bataille de Baugé, en laquelle il se maintint et gouverna comme vaillant et courageux chevalier, et nous servoit tout grandement, liberaument, et de si grande volonté, lui et sa dite compagnie, qui a toujours nous en devons reputer estre tenus à lui et de nostre pouvoir le reconnoître; attendu mesmement que par lui et autres, moyennant la grace de notre Seigneur donné à esté à la dite journée victoire contre grande partie de nos anciens ennemis; et pour raison des dites choses lui eussions despieça promis bailler et asseoir rente en notre dit royaume jusqu'à la valeur de deux mille livres Tournois par chacun an, afin de lui aider à maintenir son état honorablement, et aussi à ce qu'il fût plus enclin de demourer à notre service, à l'occasion du quel il a délaissé sa femme et ses enfants, et ses autres parens et amis, et abandonné ses rentes, revenues, et possessions dont il vivoit grandement et notablement. Desquelles deux mille livres Tournois, ne lui ayant encore pu faire de-*

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livrance,

livrance, d'autant les grandes charges que avons eu, et avons à supporter pour le fait de notre guerre, et desirans en recompenser lui et ceux qui en tel besoin et necessité nous ont servi et servent, et memement en aucune recompensation des dites deux mille livres de rente à celui notre cousin Jean Stewart, pour les causes et considerations dessus dites, qui à ce nous ont meu et meuvent, avons par l'avis d'auncuns de notre sang et deliberation de notre grand conseil, donné, cédé, transporté, et à toujours mis, delaisié de notre certaine science, grace speciale, et autorité royale, donnons, cedons, et transportons à toujours mais perpetuellement, et à ses hoirs mâles descendans de son corps, et de ses hoirs mâles en droite ligne, *la ville, terre, chastel, et chastellenie d'Aubigny sur Niere*, avec le fonds, tous fonds, fruits, issues, profits, rentes, revenues, et autres emolumens quelconques à icelle appartenans, tant en cens, rentes, pecuniaires, et de grains, hommes et femmes de corps de quelque condition qu'ils soient, eaux, étangs, moulins, bois, forêts, terrages, pâturages, dixmes, champarts, bourdelage, terres, garennes, pâturages, et autres droits, profits, et émolumens quelconques, les fiefs, et arriere fiefs, avec toute la justice haute, moyenne, et basse, mere et mixte; impere et generaumens, tous autres droits et seigneuries qui sont et peuvent estre des appartenances et dépendance d'icelle, sans en rien reserver ni retenir à nous, excepté le foy et homages-lige, refforts, et souveraineté: pour la dite ville, terre, chastel, et châtellenie d'Aubigny, avoir, tenir, et posseder dorénavant par notre dit cousin Stewart et ses dits hoirs mâles comme dit est, et pour user et jouir des fruits, profits, rentes, et revenues, et autres droits seigneuriaux à toujours mais perpetuellement comme de leur propre chose. Si donnons en mandement à nos amez et feaux, les gens tenans, et qui pour le temps à venir tiendront notre Parlement, les gens de nos Comptes, notre Tresorier General, et à tous nos autres Justiciers, ou à leur lieutenans, et à chacun d'eux, si comme à leur appartiendra, que notre dit cousin Jean Stewart, et ses dits hoirs fassent, souffrent, et laissent jouir et user pleinement et paisiblement de notre presente grace, don, cession, et transport, sans lui faire ou donner ou souffrir estre fait ou donné lors ou pour le temps à venir, aucun destourbier ou empêchement au contraire; car ainsi nous plait il être fait, nonobstant quelconque ordonnance de non aliener notre domaine, laquelle quant à ce ne voulons sortir aucun effet et quelconque autre, et promettons notre dit cousin et ses dits hoirs mâles garantir et deffendre envers tous et contre tous le don et octroy dont dessus est fait mention, en imposant sur ce silence perpetuel à notre Procureur General et à tous autres. Et afin que ce soit ferme chose et stable à toujours, nous avons fait mettre
notre

notre scel à ces presentes sauf en autre chose notre droit et l'autrui en tout. Donné à Bourges le vingt-sixieme jour de Mars mil quatre cens vingt deux, et de notre regne le premier. Ainsi signé par le Roy en son Conseil, auquel Monsieur le Duc d'Alençon, le Comte d'Aumale, Messire Bernard d'Armagnac, le Maréchal de la Fayette, le Maitre des Arbalétriers, le Prévost de Paris, le Sire de Mirandol, Guillaume d'Avaugour, et autres plusieurs estoient.

Y. VILLEBRESME.

Expedita in camera compotorum Domini nostri Regis de ipsius mandato expressi facto, & registrata libro curtarum hujus temporis, fol. 25, die decimo mensis Aprilis anno Dom. 1423, post Pascha.

Y. DUPUIS, Visa.

Et au dos d'icelle estoit écrit : Lecta in publicata Pictaviæ in Parlamento Regis penultima die Julii anno Domini 1425.

BOYER.

Extraits des Registres des Ordonnances Royaux registrez en Parlement.

(Signé)

DU TILLET.

No. III. p. 129.

Extracts from the Records of the Chambre des Comptes
at Paris.

In the accounts of HEMON RAGUIER, Tresorier des Guerres, which comprehend the period from the 21st of November 1422, to the last day of December 1423, under the title of "Tauxations, Recompensations, Estats, anciennes Compositions et autres deniers payés par Mandemens du Roy notre Sire, durant le temps de ce present Compte," there are the following articles relating to Sir John Stuart of Derneley :

A JEHAN STEWART, *Seigneur de Dornlé, et Connetable de l'armée des Escossois*, auquel le Roy, notre Sire despesça, par certaines ses lettres rendues sur le premier compte rendu par le dit Tresorier en la Chambre des Comptes du d. Seigneur à Bourges, pour les mises et depenses que faire convenoit, à iceluy Connetable de faire *à cause de la charge et retenue des gens d'armes et de trait de sa compagnie*, avoit ordonné certaine somme de deniers de la monnoye que lors avoit cours en ce royaume, avoir par chacun mois pour l'estat de sa personne ; et soit ainſy que le Roy notre dit Seigneur ait ordonné à iceluy Jehan Stewart, *autre plus grant charge et retenue de gens d'armes et de tret du dit pays*, et mesemement luy ait *generallement baillé toute la charge des gens d'armes et de tret d'iceluy pays que lors de present estoient en service du d. Seigneur*, à laquelle cause luy commandoit faire doreſnavant plus grans frais, mises, et despenſe, ſouffrance et ſuporter autres plus grans charges, pur lesquelles, tant pour l'estat de sa personne que pour autres pluſieurs ; le Roy notre dit Seigneur ne luy auroit encores tauxé ne ordonné aucune somme de deniers de la monnoye qu'il avoit ordonné avoir cours en ſon dit royaume. Pourquoy yceluy Seigneur ayant regard et conſideration aux choſes deſſus dittes, et aux grands frais, mises, et depenses que à cause de la d. charge, faire luy commendoit par ſes lettres données à Melun ſur Yevre le dix huitieme jour de Novembre, l'an de grace mil quatre cens vingt deux, avoit et a ordonné à mon dit Sieur le Connetable d'Eſcoſſe prendre et avoir doreſnavant par chacun mois des deniers de ſes d. finances, la ſomme de cinq cent livres Tournois de la monnoye deſſus dite pour l'etat de sa personne et aveques ce, pour ce que la d. ſomme de cinq cent livres Tournois pour ſon dit etat, il ne pourroit fournir aux dittes charges, afin qu'il peut
avoir

avoir son état plus honnorablement et pour luy aidier de supporter autres grans mises et depenses que faire luy conviendrait pour l'entretennement des capitaines et autres gens d'armes et de tret du dit pays de sa dite charge; le Roy notre dit Seigneur par les dites lettres avoit et a ordonné par maniere de don, qu'il ait et praigne dorenavant par chacun mois autres cinq cent francs de la dite monnoye, qui font mil livres Tournois; par lesquelles lettres est mande par le Roy notre dit Seigneur à Messieurs les Generaulx Conseillers ordonnés sur le fait et gouvernement de toutes finances, que par l'un des Tresoriers des Guerres, ils fassent payer, bailler, et delivrer des deniers de sa recette dorenavant par chacun mois au dit Connestable ou à son certain commendement la dite somme de mil livres Tournois de la dite monnoye; c'est assavoir, cinq cent livres pour son dit état, et cinq cent livres Tournois pour don; et que par rapportant les dites lettres, ou vidimus d'icelles fait sous le seal royal avecques quittances du d. Connestable, le Roy notre dit Seigneur veult et luy plait que tout ce que payé, baillé, luy en aura esté, esté alloué et comptes et rabattu de la recette d'iceluy Tresorier que paye Laura, par Messieurs des Comptes du Roy notre dit Seigneur, auxquels il mande que ainsi le facent, sans aucun contredit ou difficulté; notwithstanding que le nombre des gens d'armes et de tret de sa dite charge et retenue ne soit declarée es dites lettres; par vertu desquelles lettres expedies par mesdits Sieurs les Generaulx sur le dit Hemon Raguier, Tresorier dessus nommé, le vingtieme jour du d. mois de Novembre, et des quittances du d. Connestable, tout cy rendu à court, le d. Tresorier luy a payé la dite somme de mil livres Tournois par la maniere dessus dite, et pour le mois qui s'ensuivent; c'est assavoir:

Pour un mois commençant le vingtieme jour de Novembre dessus d. mil quatre cent vingt deux par lettres de reconnaissance du dit Sieur de Dernlé donnée le vingt deuxieme jour du d. mois mil livres Tournois.

Pour un autre mois commençant le vingtieme jour de Decembre ensuivant, au dit an, par autre lettre du dit Sieur de Dernlé donnée le vingt deuxieme jour de Janvier ensuivant mil livres Tournois.

Pour ung autre mois commençant le vingtieme jour du d. mois de Janvier par autre lettre d'iceluy Sr de Dernlé, donnée le vingt quatrieme jour de Fevrier ensuivant mil livres Tournois.

Pour un autre mois commençant le vingtieme du dit mois de Fevrier par autre lettre du dit Sieur de Dernlé, donnée le vingt quatrieme jour de Mars ensuivant au dit an mil livres Tournois.

Pour ung autre mois commençant le vingtieme du dit mois de Mars, par autre lettre de lui donnée le vingt huitieme jour d'Avril, ensuivant mil quatre cent vingt trois mil livres Tournois.

Pour

Pour un mois commençant le vingtième jour du d. mois d'Avril, par autre lettre d'jceluy Stewart donnée le vingt cinquième jour de May ensuivant au dit an mil livres Tournois.

Pour ung autre mois commençant le vingtième jour du d. mois de May par autre lettre du dessus d. donnée le vingt deuxième jour de Juing ensuivant au dit an mil livres Tournois.

Et pour ung autre mois commençant le vingtième jour du d. mois de Juing, par autre lettre de Mond. Sieur le Connestable donnée le vingt quatrième jour de Juillet ensuivant au dit an mil quatre cent vingt trois; mil livres Tournois

Pour toutes ces parties

VIII. mil livres Tournois.

A mon dit Sieur le Connestable de l'armée d'Escoffe, lequel le Roy notre Sire, par la ditte deliberation de son Grand Conseil, et pour le bien et profit de luy et de ses fujets, avoit ordonné et deliberé à aller tout le nombre des Escossois estant lors par deça, au service du Roy notre Sire, qu'il s'estoit chargée d'assembler et faire passer outtre la riviere de Loire et mener en sa compagnie es pays et Marches d'Auxerrois et de Nivernois, pour faire guerre et grevance par toutes les voies et manieres que faire se pourroit aux Anglois et autres ennemis et adversaires du dit Seigneur, et reduire et remettre en son obeissance jceulx pays et autres au Roy notre dit Seig^r desobeissans, et pour continuë mon dit Sieur le Connestable d'Escoffe et les d. Escossois, affin que plus liberalement il passassent la ditte riviere, le servir en ce que dit est; le Roy notre dit Seigneur par la ditte deliberation avoit fait composer et appointer par les d. gens de son dit conseil avecques le d. Connestable pour le payement de luy et des d. Escossois pour deux mois à la somme de trente mil livres Tournois, sans ce qui de luy ny des d. Escossois il feust tenu de faire ne bailler aucunes monstres ni reveuës; laquelle somme le Roy notre dit Seigneur, par ses lettres données à Bourges le vingt deuxième jour de Juing l'an de grace mil quatre cent vingt trois, avoit et a ordonné estre baillé et delivré par le d. Hemon Ragulier, Tresorier des Guerres dessus nommé des deniers de sa recette au d. Connestable en la maniere qui s'ensuit; c'est assavoir, lors presentement comptant dix mil livres Tournois; en la fin de Juillet prochain venant, cinq mille livres Tournois, et en la fin de Septembre prochain venant quinze mil livres Tour. ; et que par rapportant les dittes lettres et quittances sur ce d'jceluys Connestable tant seulement le Roy notre d. Seigneur, veult la ditte somme de trente mil livres Tournois estre alouée es comptes et rabattue de la recette de son dit Tresorier par Messseigneurs de ses Comptes; auxquels par les d. lettres il mande que ainsy
le

le facent, fans aucune difficulté ou contredit, nonobstant qu'il ne leur appere
du nombre des d. Escoffois par monstres et reveuës, quittances des capitaines
d'jceulx, autrement que par les dittes lettres, et les dittes quittances du dit Con-
nestable; par vertu desquelles lettres expédiées par Messieurs les Gene-
raulx Conseillers sur le fait et gouvernement de toutes finances tant en Lan-
guedoit comme en Languedoc, le vingt quatrieme jour du d. mois de Juing,
et d'une quittance de mon dit Sieur le Connestable, montant à la somme
de dix mil livres Tournois, donnée le vingt huitieme jour du d. mois de
Juing, tout cy rendu à court, le dit Tresorier luy a payé comptant sur
la ditte somme de trente mil livres Tournois, les d. dix mil livres Tournois,
pour ce dix mil livres Tournois."

No. IV. p. 188.

Signature of Remission by King James III. to John Lord Dernelie,
and others.

OUR Soverane Lord ordanis that a letter under the grete sele be made to *his cousine Johnne Lord Dernle* schewand and declarand that quhen oure saide Soverane lordis hienes come fra Lauder to Edinburgh and was haldin and kepit in warde againe his will in the castell of Edinburgh that his Majeste dredand that certane lordis and personnys that was yayr about him wald hafe slayne and undone him, for the quhilke dreid and for saufte of his life and for the singular traiste that he had in the said Lord Dernle, his hienes haith prait and chargit him with certane servituris of his to remayne and awayt upon his personn baith nicht and day for the keping and defence of him as said is, and alsa that his Majeste chargit and gafe licence to the said Lord Dernle to sele and subscribe with his hand certane endenturis, liens and bandis made be the remanent of the lordis, the quhilke he causit him to sele and subscribe to eschew that yr lordis suld tak na suspicioun againe the saide Lord Dernle be refusing yareof, and yarethrow have removit and put him fra the keping of the saide castell and of our Soverane Lordis personn, and in likewise that his hienes the tyme that his bruther the Duc of Albany come and besegit the saide castell for the delivering of him furth of the famen, his hienes chargit and causit his cousing the Lord Dernle forsaid to hald and defend the said castell, and that it was gevin ovre at his command incontinent after that he schew it was his will to have bene furth at his said bruyer, and that his said cousing held him nocht againe his will bot remaynit with him by his awin request and charge as saide is ; And yairfor decernis and declaris the said Johnne Lord Dernele and his servituris and familiaris that was with him in the said castell, that is to say, Walter Stewart, George of Maxwell, Maister Johnne of Maxwell, Johnne Stewart, Alexander Stewart, Johnne of Maxwell, Robert Flemyng, Charles of Powck, Johnne Sympill, Johnne Cambell, and Johnne Cambell, Edward Mure, Johnne Mure, Andro' Murray, and Johnne Mure, Thomas Wallace, Alexander Houstoun, Robert of Mortoun and his sone, and Robert of Craufurd, Johnne of Cochrane, Witzame Cochrane, Alane Stewart, David Montgumry, Johnne of Kirkmyr, Maist' Walt' Drummond, Andro' Drummond, Witzame of Streveling, Alexander Campsy, Robert Martyn, David Brisome, Witzame Ludgat, James of Kendershed,

Kendershed, Gilbert Ludgat, Conwell of Crukiston, Johnne Thrift, Robert Browne, Thomas Sellar, Wilzame Colman, Edward of Cochran, Thomas Stewart, George Stewart, Adam Colman, Dunkane of Duddlesone, Wilzame Mular, Wilzame Ker, Alexander Brokmyr, Thomas of Denys, Johnne of Paris, Johnne Gillifs, Arche Gilbertsone, David Maxwell, Walt. Calderwood, Sir James Way, Finlaw Waghorne, Wille Mawar, Johnne Mawar, James Robertstone, James of Douglas, James Bell, Dunkane Curroure, Johnne of Gordoun, Dunkane Striveling, Wylzame Symptfun, Alexander Striveling and Rothiffay Herrald, innocent and quite of all actionis of crime of the King's hurt Majeste or accusatioun yat may be imput to him or yaim or ony of yaim in ony wifs for the caufs foresaid or occason thereof and of all uther actione and cryme of the King's hurt Majeste in ony tyme before the day of the date of yir letters; And declaris the said Lorde Dernele and the personys above writin as faide is his trew lieges commandand and chargand that in tyme to cum na justice sheriff justice clerk nor utheris oure Souverane Lordis liegis tak uppon hands to arrest attach refave in dittay or accuse the said Lord Dernelle or his servituris forsaids or any of yaim for any caufs forsaids or to murmur him or yaim in yair honour or guid fame in any wise in judgement or uttouth in ony tyme to cum under all the hiest pain and charge yai may incur again oure Souverane Lordis Majeste; And ordanis yat our lettir under the privy sele and signet be direct ordonnerly for the said letters to be made under the grete sele

Writin and subscribit be oure said Souverane Lord at
19th day of October 1482 yrs.

the

(Signed)

JA^s.

SUPPLEMENT;

CONTAINING

COPIES OF VARIOUS DISPENSATIONS

FOUND IN THE VATICAN AT ROME, IN THE COURSE OF A SEARCH MADE
IN THE YEAR 1789;

PARTICULARLY

COPIES OF TWO VERY INTERESTING DISPENSATIONS, WHICH
HAD LONG BEEN SOUGHT FOR IN VAIN,

RELATING TO

ROBERT THE STEWART OF SCOTLAND,
(KING ROBERT II.)

HIS MUCH CONTESTED MARRIAGES

WITH

ELIZABETH MORE AND EUPHEMIA ROSS.

STUPPLE MOUNT

CHIEF OF THE DISTRICT

IN THE DISTRICT OF COLUMBIA

AND TERRITORIES

OF THE DISTRICT OF COLUMBIA

AND TERRITORIES

OF THE DISTRICT OF COLUMBIA

AND TERRITORIES

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AND TERRITORIES

OF THE DISTRICT OF COLUMBIA

AND TERRITORIES

SUPPLEMENT.

EVERY person versant in the Scottish History must be acquainted with the various discordant opinions which have been entertained concerning the marriages of Robert the Stewart of Scotland with Elizabeth More and Euphemia Ross. That diversity of opinion gave rise to long continued controversies, carried on with great acrimony by the partizans of the different systems adopted. In this dispute there was involved a question which served to increase the zeal of the parties; for the tendency of the facts maintained on the one side of the question was, to bastardize King Robert III. thereby affecting his right to the crown, and in its consequences affecting the rights of the succeeding Kings of Scotland, and all the royal race descended from him.

In this controversy several authors of eminence were engaged, and the authorities of eminent historians were appealed to, particularly the authority of George Buchanan, who, in his History of Scotland, book ix. p. 391 of the English translation, 8vo edition, gives the following account of the marriages of Robert II.

“ * Thus all things succeeded prosperously with Robert for the
“ two first years of his reign; but in his third year, Eufemia,
“ daughter to Hugh Earl of Ross, died. The King had three
“ children

* “ Rebus ita primo biennio feliciter succedentibus; tertio ab inito regno anno,
“ Eufemia Regina, Hugonis Comitis Rossie filia, moritur. Ex ea Rex ternos liberos
“ genuerat, Valterum posterius Atholice, et Davidem Jernie Comites, et Eufemiam,
“ quam Jacobi Duglassio nupsisse a nobis ante commemoratum est. Robertus non
“ tam

“ children, by her ; Walter, afterwards made Earl of Athol ; Da-
 “ vid Earl of Strathern ; and Euphemia, whom James Douglas
 “ married, as I said before. Robert, not so much for the im-
 “ patience of his unmarried state, as for the love of his children
 “ which he had before by Elizabeth More, made her his wife. This
 “ woman was exceedingly beautiful, the daughter of Adam More,
 “ a noble Knight ; the King fell in love with her when he was
 “ young, and had three sons and two daughters by her, and gave
 “ her in marriage to one Gifard, a nobleman in Lothian. It hap-
 “ pened that Eufemia the Queen, and Gifard, Elizabeth’s husband,
 “ died about one and the same time. Upon which the King,
 “ either induced by the old familiarity he had with her, or else (as
 “ many writers report) to legitimate the children she had by him,
 “ married her, and presently advanced her sons to riches and
 “ honour. John, the eldest son, was made Earl of Carrick ; Robert,
 “ of Menteith ; and Alexander, of Buchan, to which Badenoch was
 “ joined. Neither was he content with this munificence, but he
 “ prevailed upon the Assembly of Estates, met at Scone, to set by
 “ the children of Euphemia, and to observe the order of age, in
 “ making his sons king after him ; which matter was in aftertimes
 “ almost the utter ruin of that numerous family.”

“ tam impatientia cælibatus, quam amore filiorum ex Elizabetha Mora prius geni-
 “ torum, ipsam uxorem duxit. Hanc enim eleganti forma, Adami Mora illustris
 “ equitis filiam, adhuc adolescens vehementer amarat, ex eaque tres filios ac duas
 “ filias susceperat ; eamque Gifardo viro nobili in Lothiana curaverat collocandam.
 “ Verum sub idem fere tempus Eufemia Regina, et Gifardo Elizabethæ marito de-
 “ functis, Rex, sive consuetudine vetere Moræ inductus, suæ (quod a multis traditur)
 “ ut filios quos ex ea genuerat legitimos faceret, matrem eorum sibi matrimonio
 “ junxit : filios statim divitiis et honoribus auxit. Joannes natu maximus Carictæ,
 “ Robertus Taichæ, Alexander Buchaniæ Comites sunt facti, adjecta etiam Badena-
 “ cha. Nec hac munificentia contentus, Comitibus ad Sconam indictis, obtinuit, ut,
 “ præteritis Eufumiæ liberis, in Rege creando gradus ætatis observarentur : quæ res
 “ postea tam numerosam familiam prope extinxit.” Lib. ix. p. 168. fol. edit.

The

The same author, George Buchanan, in a subsequent part of his History, writes thus :

“ * I said before, that Robert the Second had three sons by his
 “ concubine ; he had also two by his wife Eufemia, Walter Earl
 “ of Athol, and David Earl of Strathern ; yet when their mother
 “ the Queen was dead, he married the concubine before-mentioned,
 “ that so he might by that marriage legitimate the children he had
 “ by her, and leave them heirs to the crown. And accordingly at his
 “ death he left the kingdom to the eldest of them. To the second
 “ he gave great wealth and the regency also. The third was made
 “ Earl of several counties. In this matter, though his other wife’s
 “ children thought themselves wronged, yet being younger, and not
 “ so powerful as they, they smothered their anger for the present.
 “ And besides their power was somewhat abated by the death of the
 “ Earl of Strathern, who left but only one daughter behind him,
 “ afterwards married to Patrick Graham, a young nobleman, and of
 “ a very potent family in that age, by whom he had Malist Graham ;
 “ his parents were but short lived, and the child a few years after,

* “ Dictum est a nobis Roberto Secundo Regi tres ex concubina filios natos ; ille
 “ quamquam ex Eufemia uxore, Valterum et Davidem alterum Atholix, alterum
 “ Jernia comitam haberet ; tamen eorum matre mortua concubinam uxorem duxit, ut
 “ ejus filios per matrimonium illud legitimos factos, regni hæredes relinqueret ; ac
 “ moriens etiam penes natu maximum regnum reliquit, penes secundum ; præter opes
 “ maximas, etiam regni procuratio fuit ; tertium aliquot regionum constituit regu-
 “ lum. In hac parte, etsi alterius uxoris liberi se affectos injuria putabant, tamen,
 “ quia et ætate et opibus erant inferiores, iram in præsentia tacitam continebant.
 “ Eorum quoque potentiam imminuit Comitis Jernix mors, qui unica relicta filia
 “ decesserat. Ea Patricio Gramo, adolescenti nobili e familia illa ætate potentissima,
 “ uxor data, Melissim Gramum ex eo genuit. Nec parentes diu superstites fuere ;
 “ & puer paucis post annis adhuc adolescens ; in Angliam erat missus obes, dum
 “ pecunia Regi redimendo promissa solveretur. Atholius autem, etsi rebus omnibus
 “ adversæ factioni inferior, nunquam tamen studium tollendi propinquos omisit,
 “ neque spem recuperandi regni abjecit : et quia ad vim apertam erat impar, callide
 “ discordias eorum fovebat & periculis insidiabatur : donec ejus maxime consilio
 “ amplissima familia ad paucos fuit redacta.” Lib. x. p. 192. fol. edit. 1715.

“ being yet a stripling, was sent as an hostage into England, till
 “ the money for the King’s ransom was paid. But the Earl of
 “ Athol, tho’ every way too weak for the adverse faction, yet never
 “ gave over his project to cutt off his kindred, nor laid aside his
 “ hopes of recovering the kingdom ; and because he was inferior in
 “ open force, he craftily fomented their divisions and disorders,
 “ and invidiously made use of their dangers to promote his own
 “ ends, so that by his advice that large family was reduced to a
 “ few.”

It has been thought proper to state here at full length the account given by George Buchanan of the marriages of Robert II. and of their consequences ; because he is the author who has the most fully and explicitly given to the world the unfavorable state of the case, and who has shewn the greatest disposition to bastardize King Robert III.

The falsehood of the account thus given by Buchanan has by several writers been successfully detected. However, though it has been more owing to George Buchanan than any other author, that the false account of the marriages of Robert II. was so much circulated in the world, yet it must be acknowledged in justice to him, that he was not the first inventor of that falsehood, nor the only person who maintained it. On the same side of the question there was Bower the continuator of Fordun, who, without paying the proper attention to the more accurate account given by Fordun himself, rashly asserted that Euphemia Ross was the first wife of Robert the Stewart, and that after her death he married Elizabeth More, and by virtue of that supervening marriage legitimated the children he had formerly had by Elizabeth More before his marriage to Euphemia Ross.

The false account of the marriages was given also by Hector Boëthius, who wrote in the year 1525, and published in the year 1526.

John

John Lesley, Bishop of Ross, in his book printed at Rome in 1578, had also, without due examination, published the false account, similar to Bower and Boëthius.

These authors preceded George Buchanan, whose history was first printed in the year 1582. But none of them had written so fully or so positively on the subject as Buchanan has done; the circumstances added by him to the original fable, and his eminence as an elegant writer, made the story to be adopted by many others without sufficient examination.

Sir John Skene, Clerk Register, in his Chronological Tables of the Kings of Scotland published in the year 1597, along with the Acts of Parliament, appears to have adopted the false story told by Buchanan and others concerning Robert's having been married first to Euphemia Ross, and after her death to Elizabeth More.

And Sir Thomas Murray of Glendoick, Clerk Register, printed with the Acts of Parliament the same Chronological Tables which Sir John Skene had published, with the additions to his time; so that the false story about the marriages of Robert was included also in Sir Thomas Murray's Tables.

Sir Lewis Stewart, Advocate, was the first who, in the reign of Charles I. detected the falsehood of the common account of Robert the Second's marriages; and appealed to the Acts of Parliament passed in the years 1371 and 1374. This is mentioned by Sir George Mackenzie in his *Jus Regium*, p. 192, published first at Edinburgh in 1684; and afterwards in his Works, vol. ii. anno 1717. Sir George confirms the same account by the act of Parliament 1371, discovered in the Records by Lord Cromarty, Clerk Register, and by other charters, and particularly by the Act of Parliament at Scone, on 4th April 1373, settling the succession to the Crown of Scotland, and naming all the sons of Robert of his first and second marriage, according to their order of seniority.

The most complete and satisfactory refutation of the false account of Robert's marriages was first given in the year 1694, by Mr. Lewis

Innes, Principal of the Scots College at Paris, when he published a charter granted in the year 1364, by Robert the Stewart of Scotland; the authenticity of which charter had been ascertained in a solemn manner by *Mabillon*, *Camillus le Tellier de Louvers*, and other good judges; and the contents of that charter demonstrated that Robert was first married to Elizabeth More, by whom he had John his eldest son, who succeeded to him; and in that charter reference was made to a *dispensation* which had been granted by the Pope for the marriage with Elizabeth More.

This was followed by a work of the Earl of Cromarty's, entitled, "A Vindication of Robert the Third, King of Scotland, and all his Descendants, from the Imputation of Bastardy;" in which work the Earl of Cromarty corroborated, by many charters in the Records, the account given by Mr. Innes.

Mr. Atwood, in a book printed in the year 1704, intitled "The Superiority, &c. of England over Scotland," attacked both Innes, the Principal of the Scotch College, and the Earl of Cromarty, and impudently called in question the authenticity of the charter produced by the Scotch College.

Mr. Rymer, in his Letters to Nicholson, Bishop of Carlisle, printed at London in 1702, gave an account of many charters and public instruments corroborating the charter published by Mr. Innes; and the Bishop, in his Scots Historical Library, part ii. chap. iii. p. 54, gives a very distinct and just account of Robert's marriages; where, in summing up the evidence in favor of the true account, Bishop Nicholson expresses himself thus: "All which being considered together, afford as manifest a confutation of *George Buchanan's impudent suggestion* as can possibly be wished for; and will for ever stop the mouths of the future enemies of the monarchy and royal family of Scotland as to this topic."

Sir James Dalrymple, in the preface to his Historical Collections, answers Atwood; and also mentions, p. 36, a copy of the charter 1364; which copy had been taken in the year 1556, before the
Records

Records of Glasgow had been transferred to the Scots College at Paris.

Mr. Sage, in his Introduction to Drummond of Hawthornden's Works, published in 1711, gives an account of the charters which established the true history of Robert the Second's marriages, as published by Innes, Rymer, Lord Cromarty, &c. and shews clearly the falsehood of the account given by Boëthius and Buchanan. He at the same time shews the injustice that had been done to John Major, in supposing him to have concurred with these authors in that false account; and on the contrary, maintains that John Major's account is quite different from, and opposite to theirs; though by some strange blunder he had generally been classed among the authors of the false account. Mr. Sage conjectures that Robert had children by Elizabeth before he got the dispensation from the Pope.

Mr. Ruddiman, in his notes on Buchanan's History, edition 1715, p. 432, sums up the true history of Robert the Second's marriages, referring to the authors who prove it, and gives his opinion of the story told by Buchanan and the other authors on the same side of the question, concerning the marriages and children of Robert the Second, in these words: "*Tota hæc quæ de Roberti II. uxoribus et liberis sequitur narratio, merum est auctorum nostrorum figmentum, vel potius mendaciorum male concinnatorum congeries.*" The same author (Mr. Ruddiman) has, in his answer to the Rev. Mr. Logan, successfully repelled the assertions and insinuations of those who had most unjustly and indecently treated the charter discovered at the Scotch College at Paris as a forgery.

Richard Hay, in 1723, published a vindication of Elizabeth More, and maintained (p. 109,) that she was married in 1334, and named the person who performed the ceremony; but does not mention his authority. His account is certainly erroneous, both in his facts and his reasoning.

Mr. John Gordon, in an elaborate dissertation intitled, "De Nuptiis Roberti Senescalli Scotiæ atque Elizabethæ Moræ, Dissertatio,"

subjoined to the edition of Fordun, published in the year 1759, recapitulates all the evidences of the true story, and concludes with the utmost confidence, that Elizabeth More was acknowledged to be the first wife of Robert the Stewart, and her children lawful children. He then enters into a long discussion of the causes of the mistakes of our historians in this matter, and argues them to have arisen from not trusting to Fordun, who, he says, tells the matter distinctly; which in Mr. Gordon's opinion amounts to this, that Robert's children by Elizabeth More were born before the dispensation, but born in wedlock of a marriage not regular, according to the rigour of the canon law, the defect of which was supplied by the dispensation and subsequent marriage.

Before I went to Italy in the year 1788, I had been often at the Scotch College at Paris, was well acquainted with the valuable collection of old charters and other papers in that College which had formerly belonged to the Archbishopric of Glasgow, and had occasion to know what related to the charter 1364, and the steps which had been taken in the year 1694, for ascertaining, in the most formal manner, the authenticity of that charter.—I was acquainted also with the arguments which had been founded upon that charter, and upon the mention therein made of a dispensation which had been granted by the Pope for the marriage of Robert the Stewart to Elizabeth More; but I could get no intelligence at Paris whether any search had ever been made for that dispensation, or if any copy of it had ever been obtained.

I resolved therefore to make search, while in Italy, for that dispensation, at the same time that I was to make search for some other dispensations in which the Derneley family were concerned.

For this purpose, soon after my arrival at Rome, in the end of the year 1788, I endeavoured to inform myself in what manner I could get access to the records in the Vatican, where the dispensations
granted

granted in ancient times were kept ; and to learn whether there was any probability of a search for these dispensations being successful. The accounts received on that subject were not very encouraging ; for I was told, that it was not only difficult to get access to the papers in the Vatican, which in general were kept very secret, but that it might be the work of years to discover any particular paper sought after there : for that there were many thousand volumes of records, without any regular inventory or index to assist in making searches.

Further I learnt from Mr. Thompson, Superior of the Scotch College at Rome, that many years ago a search had been made in the Vatican, at the desire of the Principal of the Scotch College at Paris, for the dispensation relating to the marriage of Robert the Stewart with Elizabeth More ; which search had proved ineffectual. In confirmation of this, Mr. Thompson put into my hands an original letter, which had been kept at that College at Rome, from Mr. Lewis Innes, Principal of the Scotch College at Paris, addressed to Mr. Gordon, Agent du Clergé de la Mission d'Ecosse à Rome, and dated at Paris, the 4th of January 1706 ; of that letter he allowed me to take a copy, which is as follows :

“ Right Reverend,

“ This is to wish you many happy years for the good of your mission ; the like wishes to Dom. Gal°. and other friends with you.

“ I thank you for the account you give us of the Archives, but
 “ I am sorry they are so close ; I assure you it is not curiosity, but
 “ a real interest of religion that made me earnest to have some information about the correspondence passed betwixt some of our
 “ Kings before the eleventh age, which is denied in a very public
 “ and taking book wrote lately by a shrewd adversary, Sir James Dalrymple. I instanced from Fordun, who mentions Bulls of, I think,
 “ Pope John VIII. and Benedict , (as in my former letter,) to our
 “ Kings Gregory and Malcolm II. or to the Church of Scotland in
 “ their time. It is extremely worth your speaking to Cardinal

“ Prefect.

“ Prefect to cause the Archivist make some inquiry for these, or any
 “ other of these ancient times.

“ Another inquiry is not concerning the Church, but of some
 “ importance to the King. You *know we published here, in 1694,*
 “ *a charter of Robert Seneschalli Scotiae, afterwards King Robert II. the*
 “ *first Stewart, to refute a calumny of Buchanan's, of his son's being a*
 “ *bastard. This charter was examined with the greatest exactitude*
 “ *by the most expert antiquarians here, as you know; and yet one At-*
 “ *wood, an Englishman, hath lately, in a scurrilous piece against the*
 “ *Scots, accused us impudently of forging it, to support King James's*
 “ *cause; and among other senseless objections, defies us to produce the*
 “ *Pope's bull, or brief for dispensing that marriage. As our charter*
 “ *bears it was given, this bull or brief of dispense is either of Bene-*
 “ *dict the Twelfth, or Clemens VI. his successor. P. Porter caused*
 “ *the Archivist search, and he found two dispensations of Bene-*
 “ *dict XII. the one Pont. 5, the other anno Pont. 6, both at Avig-*
 “ *non, and both addressed to the Bishop of Glasgow; but neither*
 “ *of them belongs to this Robert, afterwards King; for they are*
 “ *both dispensations of marriage betwixt one John Stuart and Alicia*
 “ *More, filia Reginaldi More; whereas this ought to be inter filiam*
 “ *Adami More, Militis, with an injunction to found a chapel or*
 “ *two, which the other hath not. You have the printed charter*
 “ *there, or in the College; look into it, and you'll see the case;*
 “ *and if you can find these by means of the Archivists, it will be*
 “ *of use to the royal family. I suppose they have indexes of all,*
 “ *on each Pope; and it will not be great pains to look through*
 “ *them.*”

Notwithstanding this discouragement, I persisted in the resolution of trying what could be discovered at the Vatican. For this purpose I got myself introduced by the means of Monsignor Erskine, now in London, to Mons. de Marini, keeper of the secret archives in the Vatican, and in the Castle of St. Angelo.

To M. de Marini I gave a copy, translated into Italian, of the above-mentioned letter from Mr. Innes to Mr. Gordon, to satisfy him of the object of the search for the dispensation for the marriage of Robert the Stewart, and to shew him that it was not an idle curiosity which prompted me to this inquiry, but a desire to have an important historical fact cleared up. From M. de Marini I experienced the most polite reception; he testified a great desire to obtain for me all the information I wished, at the same time he owned to me, that it was extremely difficult to discover any particular papers that might be wanted in the Vatican or in the Castle of St. Angelo, unless there could be given a particular specification of the date or year of the pontificate in which the paper sought after had been granted, because there were many thousand volumes of records and manuscripts, (I think he said upwards of twenty thousand,) but without any regular inventory of them to assist in making the search. He added, that his predecessor in the office had made some progress in an inventory or index, which, though imperfect, had been of use; and that he, Mons. de Marini himself, had since he was in office made farther progress in the same way: but that before the time of his immediate predecessor in office, there was no inventory or index, or next to none; so that it must not be surprising if searches made at former periods proved unsuccessful, and yet the same things which were then sought after should now be discovered. Mons. de Marini further assured me, that with the assistance of such inventory as had been made by himself and his predecessor in office, he would try what could be done for gratifying my wishes with respect to all the dispensations which I had occasion to apply for; at the same time I gave him a memorandum in writing of various dispensations for which I wished search to be made.

In the course of the very frequent visits paid to Mons. de Marini to learn what he had discovered, he told me on a visit to him one day

day in the month of March 1789, that he had found in his inventory a note of a dispensation granted by Pope Clement VI. in favor of *Roberti Domini de Stratgnf*, Militis, et dilectæ in Christo filiæ nobilis mulieris *Elizabeth Mox*, of the diocese of the Bishop of Glasgow; but as that note did not describe Robert as the Stewart of Scotland, and described his wife as Elizabeth Mox, he was afraid that this was not one of the dispensations I was looking after. In the course of the conversation I learnt from him, that the inventory or notes from which this article was taken was by way of index to a volume of the records where the dispensations were entered; I therefore requested him to peruse, or to allow me to peruse, that volume to which this article related. He appointed me to come to him another day for that purpose. Having gone to him on the day appointed, he then, in the most obliging manner, gave me communication of the dispensations contained in that volume; from the perusal of which I immediately perceived that, notwithstanding the blunder of the person who had made the entry in the record, by which *Elizabeth More* was described as *Elizabeth Mox*, and notwithstanding the imperfect description of Robert, who was described as Robert Lord of *Strathgnf*, (thus written,) without describing him as Stewart of Scotland, or even as a person of the name of Seneschallus or Stewart; yet from the contents of the dispensation in the record, it was perfectly clear that this was precisely the dispensation sought after relating to the marriage of Robert the Stewart with Elizabeth More, for she is therein designed daughter of Sir Adam More; and Robert is therein described nephew of David King of Scotland; and it mentions that Philip King of France, and David King of Scotland, had joined in the supplication to the Pope for that dispensation.

About the same time, in March 1789, Mons. de Marini communicated to me that he had discovered in the records another dispensation for the marriage of Robert with Euphemia Countess of Murray, widow of the deceased John Earl of Murray; the contents of which shewed

shewed there could be no doubt as to the persons to whom it related, for Robert is therein expressly described Stewart of Scotland.

In the whole course of the disputes about the marriages of Robert the Stewart, no mention had ever been made of a dispensation for his marriage with Euphemia Ross; therefore this discovery was more than could have been expected; for the only dispensation searched for was that relating to his marriage with Elizabeth More. However this dispensation for the marriage with Euphemia Ross is of considerable utility both for proving that Elizabeth More had died before 1355, the date of this last dispensation, and for settling, pretty nearly, the time of Robert's marriage to his second wife Euphemia Ross; a fact about which there had been many conjectures, but nothing approaching to certainty.

Monf. de Marini was pleased to inform me, that though he had thus satisfied me of the existence of these two dispensations, yet he was not at liberty to give me official copies of them without an order or authority from the Secretary of State, which was requisite for the communication of any papers in the secret archives kept in the Vatican. This authority I soon obtained from the Cardinal Boncompagni, then Secretary of State, to whom I had fortunately been introduced soon after my arrival at Rome, and had the advantage of meeting with him frequently, both at his own house and elsewhere.

At the next visit I paid to Monf. de Marini, he told me that since our last meeting he had seen the Cardinal Secretary of State, who had told him he was satisfied of the propriety of the searches I wished to be made, and therefore gave him full authority, and even recommended to him to accommodate me with the communication of every thing I desired, and with the official copies of the dispensations discovered. Accordingly M. de Marini gave me official copies signed and sealed by him of the two dispensations before-mentioned, certifying that they were copied from the Apostolic secret records kept at the Vatican, or in the Castle of St. Angelo.

I have been thus particular in mentioning the progress of the searches, in order to account, in some measure, for the dispensations not having been found on former searches; for those who formerly applied may probably have received a general answer, that it was scarcely possible to find out an article wanted, as there was no inventory of the papers; and the short inventory or notes which had assisted Mons. de Marini in discovering what I wanted probably did not then exist. It is true also that I never should have succeeded in this search, if I had not met with such a man as Mons. de Marini, possessing a liberal turn of mind and a most obliging disposition, and who had a zeal for assisting inquiries relating to historical facts, being himself a man of letters and well versed in history. The success of a search of this nature must depend on the intelligence and disposition of the Custode des Archives; for no stranger is allowed personal access to these records for the purpose of discoveries; all the searches are made by the archivist himself. I was not less fortunate in the disposition of the Cardinal Secretary of State, who, after being satisfied of the propriety of my inquiries, gave me, in the most liberal manner, every aid and authority that depended on him.

The tenor of the two dispensations thus discovered, and which I may venture to say never were discovered in any preceding search, though it appears that repeated searches had been made, are as follows:

DISPENSATION for the Marriage with ELIZABETH MORE.

Ex Reg^{to}.
Clem. P. P.
VI. an. vi.
ep. 405.

“ CLEMENS Ep^{us}, Servus Servor. Dei, Venerabili Fratri

“ Episcopo Glasguen. Salutem, &c.

“ OBLATA nobis pro parte dilecti filij nobilis viri Roberti Dⁿⁱ de
“ Stratgnf*, Militis, et dilecte in Christo filie nobilis mulieris Eliza-
“ beth

* There is reason to think that the word *Strathgnf*, thus written, has by mistake been written in the record in place of the word *Strath-grif*, which was the ancient name

" beth Mox (sic) tue Dioc. petitio continebat, quod dudum ipsis
 " Roberto, et Elizabeth ignorantibus quod dicta Elizabeth, et dilecta
 " in Christo filia nobilis mulier Ysabellæ Boucellier*, domicella
 " ejusdem Dioc. in tertio et quarto, ac Elizabeth et Robertus prefati
 " in quarto consanguinitatis gradibus sibi invicem attinerent, idem
 " Robertus dictam Ysabellam primo, et postmodum predictam
 " Elizabeth carnaliter cognovit, et quod ipse Robertus et Elizabeth
 " diu cohabitantes, proles utriusque sexus multitudinem procrearunt.
 " Cum autem, sicut eadem petitio subjungebat, proles hujusmodi sic
 " sit in universorum aspectibus gratiosa, quod ex ea carissimo in
 " Christo filio nro David Regi Scotie illustri, cujus dictus Robertus
 " nepos existit, et ipsius Regis regno Scotie subsidia non modica
 " sperantur verisimiliter profutura nobis pro parte ipsorum Roberti
 " et Elizabeth extitit humiliter supplicatum, ut cum idem Robertus
 " et Elizabeth desiderent invicem matrimonialiter copulari, et hujus-
 " modi desiderium nequeant absque dispensatione Apostolica adim-
 " plere, providere eis super hoc de oportune dispensationis beneficio
 " de benignitate Apostolica dignaremur. Nos itaque ex hiis et aliis
 " certis causis nobis expositis, tuis ac carissimi in Christo filij nri
 " Phillipi Francie illustris ac dicti Scotiæ regum, nec non Roberti,
 " et Elizabeth predictorum supplicationibus inclinati, Fraternitati
 " tue de qua plenam in Dno fiduciam obtenimus per Apostolica
 " committimus et mandamus, quatenus si est ita cum eisdem Roberto
 " et Elizabeth, quod ipsi impedimentis quæ ex consanguinitatibus
 " hujusmodi proveniunt, nequaquam obstantibus, matrimonium in
 " facie Ecclesiæ invicem contrahere, et in eo postquam contractum
 " fuerit remanere, licite valeant Apostolica auctoritate dispenses.
 " *Prolem susceptam predictam, et suscipiendam legitimam nuntiando.*

name of the lordship of Renfrew, belonging to the Stewarts of Scotland; and ac-
 cordingly the Stewart was sometimes described Lord of Strath-grif or Lord of Ren-
 frew. *Vide* Crawford's History of the Shire of Renfrew, and Macpherson's Geogra-
 phical Illustrations of Scottish History, *voce* Strath.

* Forte *Boutellier*.

“ Volumus tamen quod dictus Robertus aliquas, vel aliquam Capell-
 “ lanias, seu Capellaniam ordinare, fundare, ac dotare de ipsius
 “ Roberti bonis juxta tuum arbitrium teneatur, super quo ab eodem
 “ Roberto ydoneam recipias cautionem. Datum Avinione x kalen.
 “ Decembris, Pontificatus nostri anno sexto.

“ Exemplum superscriptum superioris bullæ Clementis, P. P. VI.
 “ descriptum est, et recognitum ex originali regeſto ejusdem
 “ Pontificis, quod Rome ſervatur in Archivo Secreti Aplico
 “ Vaticano; in cujus rei fidem hic me ſubſcripſi, et ſolito ſigno
 “ ſignavi, hac die 4 Aprilis 1789.

“ CAIETANUS MARINI, Præſectus Archivi
 “ S. S. item Archivi Arcis S. Angelo.”

The above diſpenſation being dated in the ſixth year of the pon-
 tificate of Clement VI. who was elected Pope the 17th of May 1342,
 it muſt have been in December 1347.

DISPENSATION for the Marriage with EUPHEMIA ROSS.

Ex Regis.
 Innocen. P. P.
 VI. anº iii.
 ep. roſ.

“ INNOCENTIUS Episcopus, Servus Servor. Dei, Venerabili

“ Fratri Episcopo Glasguen. Salutem, &c.

“ EXHIBITE nobis pro parte dilecti filii nobilis viri Roberti Stivardi
 “ Senescalli Scocie, ac dilecte in Xto, filie nobilis mulieris Eufemie,
 “ Comitisse Moravie, relicte quondam Johannis Comitis Moravie
 “ vidue Glasguen. et Moravien. Dioc. petitionis series continebat,
 “ quod ipsi propter sedandas guerras, discordias, et inimicitias inter
 “ ipsum Robertum et dilectum filium nobilem virum Gulielmum
 “ Comitem Rosſiæ, Rosſen Dioc. dicte Eufemie fratrem, et alios
 “ ipsius Eufemie consanguineos ex interfectione cujusdam nobilis,
 “ et aliis de causis exortas tractatum habuerunt super matrimonio
 “ inter se invicem contrahendo. Verum quia ipsi Robertus et
 “ Eufemia quarto consanguinitatis, et ex eo tertio affinitatis gradibus
 “ invicem se contigerunt; quod dicti Robertus, et Johannes dum
 “ vivebant erant tertio consanguinitatis gradu conjuncti, matri-
 “ monium

“ monium hujusmodi contrahere nequeunt dispensatione super hoc
 “ Apostolica non obtenta, quod Roberti, qui ut asserit carissimi in
 “ Christo filii nostri David Scotie Regis illustris locumtenens existit,
 “ quique propter fecundissimam consanguineorum suorum propa-
 “ ginem in regno Scotie, vix valeat mulierem aliquam nobilem sibi
 “ parem, que aliquo consanguinitatis vel affinitates gradu eidem non
 “ attineat, cum quæ ipse Robertus possit matrimonium contrahere,
 “ et Eufemie prædictorum per te nobis fuit humiliter supplicatum,
 “ ut providere ipsis super hoc de oportune dispensationis beneficio
 “ dignaremur. Nos qui libenter Cristi fidelibus quietis et pacis
 “ commodos procuramus, fraternitati tue de quæ plenam in Dno
 “ fiduciam obtinemus per Apostolica scripta committimus, et man-
 “ damus quatenus si est ita cum eisdem Roberto, et Eufemia, ut
 “ impedimentis quæ ex hujusmodi consanguinitate, et affinitate
 “ provenient, nequaquam obstantibus matrimonium inter se libere
 “ contrahere valeant et in eo postquam contractum fuerit licite
 “ remanere auctoritate nostra dispenses. *Prolem suscipiendam ex huoc*
 “ *matrimonio legitimam nuntiando.* Datum Avinione, vi nonas
 “ Maij anno tertio.

“ Exemplum superscriptum superioris Bullæ Innocentis P. P. VI.
 “ descriptum est, et recognitum ex originali regeſto ejusd.
 “ Pontificis, quod Rome servatur in Archivo Secreto Aplico.
 “ Vaticano: In cujus rei fidem hic me subscripsi, et solito
 “ signo signavi; hac die 4 Aprilis 1789.

“ CAIETANUS MARINI, Præfectus Archivi
 “ S. S. item Archivi Arcis S. Angeli.”

This dispensation being dated in the third year of the Pontificate of Innocent the Sixth, it must have been the year 1355, as he was elected Pope on the 1st of December 1352.

Having thus given faithful copies of the two dispensations for the marriages of Robert the Stewart with Elizabeth More and Euphemia

phemia Ross, I leave it to others to make the commentaries, or to draw the inferences to which they naturally give rise; for I do not wish to involve myself in any matters of controversial writing, or to add to the number of those who have with great zeal entered the lists in this wide extended field of controversial warfare. My sole object has been to discover the true state of the facts contested; having always been resolved to communicate to the world the result of my searches, whatever that result might be, whether favorable or unfavorable to the opinions and wishes of the one party or the other.

I must be allowed, however, to make one remark; that the contents of these dispensations prove the gross calumny of Mr. Atwood, Mr. Logan, and others, who endeavoured to represent the charter 1364, published at Paris, as a forgery committed to serve the purpose of a party; and who argued, that one of the proofs of the forgery was the not being able to produce the dispensation referred to in that charter:—that argument can now no longer be resorted to.

One other observation on this subject is unavoidable, which is this; that from the contents of the charter 1364, published at Paris, supported as it now is by the dispensation to which that charter refers, it is henceforth rendered indisputable that the account given by George Buchanan of the marriages of Robert the Stewart is false in every particular.

For these falsehoods Buchanan is the more inexcusable, as it was in his power to have learnt the true state of facts by consulting the Records containing the charters and other documents from which his falsehoods have since been proved, and the truth ascertained. It was his duty to have done so, even if it had cost him a great deal of trouble, before venturing to mislead the world by his history in the manner he has done. If he had looked at Fordun, the oldest of our historians, and who was contemporary with King Robert II. and King Robert III. he would have found that the account given by Fordun, (tom. ii. lib. xi. cap. xiii.) is in these

these words: "Iste Robertus copulavit sibi de facto unam de
" filiabus Adæ de More, Militis, de qua genuit filios et filias extra
" matrimonium; quam postea, impetratâ dispensatione sedis Aposto-
" licæ in matrimonium disponavit, canonicè in forma ecclesiæ, anno
" scilicet Domini 1349."

The account, thus given by Fordun, shews that he had been an accurate inquirer after truth; for the state of the facts given by him comes nearer to the true state of the facts now ascertained, than the account of any other author who has written on the subject. Fordun says that a dispensation was obtained, and that the marriage actually took place according to the rules of the church in the year 1349. This is highly probable and it is consistent with the date of the dispensation granted in December 1347.

It is no sufficient excuse for George Buchanan, that some other authors whose works were published before his own, had given a false account of the marriages, as well as himself; for it was his business to have weighed the testimony of these authors; and not to have credited them in preference to Fordun, without strong evidence in their support. Besides this, it is to be observed, that no one of these authors, who wrote before George Buchanan, has gone the same length, or nearly the same length that he has done in misrepresenting the whole history of Robert's marriages.

The *Continuator of Fordun*, who seems to have been the first that gave a wrong account of the marriages of Robert the Stewart, for which he was the more blameable as he ought to have paid attention to the true account given by Fordun himself; that Continuator has indeed said, "that King Robert had begotten sons
" upon Elizabeth daughter of Sir Adam More, and that thereafter
" he married Eufemia daughter of Hugh Earl of Ross, by whom he
" had Walter Earl of Athol, and David Earl of Strathern; but
" that upon the death of the Queen Euphemia, he married the
" foresaid Elizabeth More; and thus by virtue of the supervening
" marriage,

“ marriage, the sons of the first marriage, to wit, John, Robert, and
 “ Alexander, were legitimated; because, according to the canons
 “ of the church, a subsequent marriage legitimates the sons born
 “ before marriage.” This is all that is said by the Continuator of
 Fordun (lib. xiv. cap. 46. p. 416.), which however does not amount
 to what is said by Buchanan.

Bishop Lesley, without bestowing proper attention to the subject,
 gives pretty much the same account as what had been given by the
 Continuator of Fordun.

Even *Hector Boëthius*, who, in general, had as little anxiety about
 the truth of historical facts as George Buchanan himself, has how-
 ever not gone the same length as Buchanan in the false represent-
 ation of Robert's marriages; all that Boëthius says on the subject,
 p. 328 of the Paris edition of his book, anno 1574, is in these words:

“ Robertus Stuart quum regni gubernacula susciperet quinquage-
 “ gesimum septimum agebat annum, habuitque uxorem tum Eufe-
 “ miam filiam Comitis Rossensis; cum qua multos jam annos
 “ vixerat, ac ex ea tres liberos procreaverat; duos masculos, Walterum
 “ & Davidem, et unicam filiam, Eufemiam, cujus modo meminimus.
 “ Illa vero paulo post Robertum maritum solenni More Regina
 “ coronata est. Sed priusquam eam Robertus duxisset uxorem,
 “ consuetudinem cum Elizabetha filia Adæ Moræ equitis aurati
 “ habuerat; que tres illi filios peperit, Joannem, qui Roberto patri
 “ in regnum postea successit Robertum et Alexandrum et duas
 “ filias.”

Any man who attends to what has been said by all these authors,
 and compares it with the accounts given by George Buchanan, must
 be sensible how far Buchanan has outstript all other authors in the
 extent of the falsehoods which he has ventured to give as real
 history, and in the desire manifested by him of bastardizing King
 Robert III. and of making it be believed that the children of King
 Robert II. by Euphemia Ross had a preferable right to the crown
 of

of Scotland. This falsehood was not of an innocent nature, but very malicious, and might have been productive of very bad consequences.

Whatever Buchanan's views may have been in propagating these fictions, they cannot fail, when detected, of discrediting him as an historian, and at the same time affecting his character as a man. Even his greatest admirers must be forced to acknowledge that his genius and talents, however eminent, were better calculated for poetry than for history. In the dignified character of a real historian, the most essential requisites are—a sacred regard to truth—a disposition to submit to all the labour that may be necessary in the investigation of it,—and a firmness of mind to resist every party motive, or other temptation that might give a bias tending to induce the author either to suppress or to disguise the true state of facts.—How far all or any of those requisites are to be found in George Buchanan, those who read his history with the most attention will be the best qualified to judge and determine!

To return to the subject of the dispensations. Mons. de Marini was so good as to continue his searches during all the time I remained at Rome; and in proportion as he discovered in the Records any additional dispensations, gave me notice of them, and offered to give me authenticated copies of all such as I might desire to be possessed of. Accordingly I received in all from him official copies of twenty-one dispensations, including those two hereinbefore inserted; and such was his liberality, that all this trouble he took without making any charge, and without accepting of any pecuniary gratification.

Of these dispensations, I have thought it proper here to subjoin full and exact copies; because some of them may happen to be of real utility to certain persons or families; and others of them will,

by most readers, from their contents be considered as matters of considerable curiosity.

Besides the dispensations of which I thus received official copies, M. de Marini gave me a list of several other dispensations for the marriages of persons in Scotland, containing the dates of them and the names of the persons in whose favor they were granted;—of that list I have also subjoined a copy, for the benefit of such readers as it may happen to concern.

Copies are also subjoined of several dispensations discovered in the *Dataria* office at Rome, whereof authenticated copies were likewise delivered to me.

To return to the subject of the dispensations, M. de Marini was so good as to continue his search during all the time I remained in Rome, and in proportion as he discovered in the records any additional dispensations, gave me notice of them, and offered to give me authenticated copies of all such as I might desire to be possessed of. Accordingly, I received a list from him of all the official copies of dispensations which he had discovered, and which he offered to give me, and as his list was so long, I thought it best to take it without making any choice, and without receiving of any pecuniary gratification.

**DISPENSATIO Nobili Viro EDUARDO DE BRUYS,
Comiti de Carryk, Glasguen. Dioceſe, et ISABELLÆ
Filiæ Gulielmi Comitis DE ROSS.**

JOANNES Epus, Servus Servor. Dei, Venerabili Fratri . . . Episcopo
Rossen. Salut. &c. Ex Reg^{to} Joh.
P. P. XXII.
an. 1.
ep. 3490.

(sic)

Petitio dilecti filii nobilis viri Edwardi de Brux Comitis de Catrilz Glasguen. Dioc., ac dilectæ in Christo filie nobilis mulieris Ysabellis nate nobilis viri Gulielmi Comitis de Ros Rossan. Dioc. nobis exhibita continebat, quod olim intentore malorum hoste humani generis procurante inter comunes eorum parentes consanguineos et amicos graves inimicitie fuerunt exorte, et ex eis graviora guerrarum discrimina subsecuta, ita quod exinde non modice strages hominum processerunt. Cumque temeretur verisimiliter posse pejora impoſterum provenire intervenientibus nonnullis nobilibus amicis communibus eorundem, pacemque firmari zelantium inter eos tractatus communiter fuerit habitus inter ipsos, quod Edwardus et Isabellis prefati matrimonialiter copulenter, sed quia quarto ex uno latere et tertio ex altero affinitatis gradibus invicem se contingunt matrimonium hujusmodi contrahere nequeunt dispensatione super hoc sedis apostolice non obtenta, nobis humiliter supplicarunt, ut ad tollend. huoi discordias, et multorum materia scandalorum, et firmand. perpetuam pacem et concordiam inter communes parentes, et consanguineos eorundem providere ipsis super hoc de oportune dispensationis beneficio dignaremur. Nos igitur, qui salutem querimus singulorum, et libenter Christi fidelibus quietis comoda procuramus hujusmodi amputare discordiam, ac inter eundem Eduardum, dictumque Guillelmum patrem ejusdem Isabellis, eorumque comunes consanguineos intervenire pacem e concordiam cupientes, gerentes quoque de circumspectione tua fiduciam in Domino plenior, Fraternitati tue presentium auctoritate committimus et mandamus, quatenus si tibi constiterit ita esse, super quod tuam intendimus conscientiam onerare cum eisdem Eduardo et Isabelli impedimentis, que ex predicta affinitate proveniunt nequaquam obstantibus matrimonium hujusmodi contrahere valeant, et in sic contracto licite remanere auctoritate apostolica dispensare procures, prolem suscipiendam ex eis legitimam nuntiando. Datum Avinione, Kalen. Junii, Pontificatus nostri anno primo.

Exemplum superioris Bullæ Johannis P. P. XXII. descriptum est et recognitum ex originali Registro ejusdem Pontificis, quod Romæ

servatur in Archivo Secreto Aplico Vaticano. In cujus rei fidem hic me subscripsi, et solito signo signavi hac die 4 Aprilis 1789.

CAIETANUS MARINUS, Præfectus Archivi S. S.
item Archivi Arcis S. Angeli.

DISPENSATIO Nobili Viro ADÆ DE MOR et Nobili
Mulieri JOHANNÆ DE CUNNYGHYN Glasguen.

Ex Regto
Joh. P. P.
XXII. an. vi.
ep. 1469.

1322.

JOANNES Epus, Servus Servor. Dei, Dilecto Filio Nobili Viro Ade de Mor, et Dilecte in Christo Filie Nobili Mulieri Johanne de Cunnighin ejus Uxore Glasguen. Dioc. Salut. &c.

Romani Pontificis precellens auctoritas concessa sibi desuper utitur plenitudine potestatis prout personarum. et negotiorum concurrentium qualitate pensata id in Deo conspicit salubriter expedire, sane oblata nobis ex parte tua, filia Johanna petitio continebat, quod olim quibusdam nobilibus tractantibus, quod inter te prefata Johanna et te fili Adam interveniret copula conjugalis, tu dicta Johanna sciens dictum Adam quondam Hugoni de Hutscon priori marito tuo tertio consanguinitatis gradu fuisse conjunctum nolebas hujusmodi contractui consentire, nisi prius super hoc legitima sedis Apostolice dispensatio haberetur. Tandem superveniens dilectus filius archidiaconus Glasguen. quasdam patentes literas ven. fratris nostri Glasguen. episcopi ostendebat, in quibus idem Epus auctoritate Sedis Apostolice sibi ut dicebat concessa vobiscum super dicto articulo dispensabat, quibus literis dispensationis hujusmodi tu prefata Johanna, tuique consanguinei et amici fidem plenariam prebuis, te prefato Adam sciens, quod dicte litere nullius valoris, seu efficacie existebant, ac postmodum nichilominus per verba de presenti matrimonium ad invicem contraxistis, et carnali copula subsecuta plures liberos suscepistis. Nos itaque attendentes, quod viri scientia atque culpa tibi prefata Johanna, que in hac parte probabili deceptam errore fuisse te asseris non debet in tuum et liberorum tuorum prejudicium et dedecus redundare. Volentes quoque futuris scandalis et periculis, que ex separatione huiusmodi matrimonii, si fieret, oriri verisimiliter presumuntur obviare, et animarum vestrarum provideri saluti, tuis predicta Johanna supplicationibus inclinati, vobiscum quod impedimento affinitatis hujusmodi, quod ex dicta consanguinitate prioris viri tui dicta Johanna cum dicto Adam pervenit aliquatenus non obstante posseris in dicto matrimonio licite remanere auctoritate

auctoritate Apostolica de speciali gratia dispensamus; *filios ex dicto matrimonio susceptos et suscipiendos legitimos nunciantes de Apostolice plenitudine potestatis.* Nulli ergo &c. nostre dispensationis et nunciationis infringere, &c. Datum Avinione iiii kalen. Septembr. Pontificatus nostri anno sexto.

N. B. It does not appear from the above dispensation whether the person in whose favour it was granted was Adam More, the father of Elizabeth More, who married Robert the Stewart, or another Adam More; but it does appear from it that there had been children between Adam More and Jane Cunningham before the date of the dispensation, which legitimates the children "*susceptos et suscipiendos.*"

DISPENSATIO ANDRÆ DE MORAVIA, Domino de BOTHEVILE Glasguen. et Nobili Mulieri CHRISTIANÆ DE SETONO Natæ quondam ROBERTI DE BRUYS Glasguen. Diocese.

JOANNES Epus. Servus Servor. Dei. Dilecto Filio Nobili Viro Andree de Moravia Domino de Bothevile et Dilecte in Christo Filie Nobili Mulieri Christiane de Setono Nate quondam Roberti de Bruys Glasguen. Dioc. Salutem, &c.

Ex Regto
Joh. P. P.
XXII. an. x.
cp. 11.

1326.

Etsi inter illos, qui consanguinitatis linea invicem sunt connexi, sacrorum canonum instituta matrimonialem copulam interdiciant, summus tamen Pontifex ex plenitudine potestatis, quam non ab homine obtinet, sed a Deo, considerata personarum et temporum qualitate utiliora prospiciens, nonnunquam rigorem justitie mansuetudine presertim circa personas generis nobilitate polentes temperat, et quod negat juris severitas de gratia provide benignitatis indulget. Sane petitio vestra nobis exhibita continebat, quod inter utriusque vestrum parentes et consanguineos dissensiones graves sunt procurante inimico humani generis fuscitate, et inde homicidia et capitales inimicitie subsecuta, quodque vos prout potestis dissensiones hujusmodi sedare volentes, convenistis inter vos de matrimonio invicem contrahendo. Sed quia quarto estis gradu consanguinitatis conjuncti hujusmodi vestrum desiderium non potestis deducere ad effectum absque licentia Sedis Apostolice speciali. Quare nobis humiliter supplicastis ut providere vobis in hac parte de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur, qui salutem et pacem querimus,

querimus singulorum, et inter Christi fideles pacis, et concordie comoda procuramus, cupientes ut inter vos et utriusque vestrum consanguineos et amicos pacis gratia vigeat vestris supplicationibus inclinati vobiscum ut impedimento quod ex consanguinitate hujusmodi provenit non obstante, matrimonium invicem contrahere valeatis auctoritate Apostolica de specialis dono gratie dispensamus. Nulli ergo, &c. nostre dispensationis infringere, &c. Datum Avinione xii kalen. Octobris Pontificatus nostri anno decimo.

DISPENSATIO Nobili Viro JOHANNI STUYARDE
Domino de BONKYL, et MARGARITÆ Natæ quondam
ALEXANDRI de ABERNETHY Militis, Dunkelden. et
Dumblanen. Dioc.

Ex Regis.
 Joh. P. P.
 XXII. an.
 xiii. Par. i.
 ep. 197.

1329.

JOANNES, &c. Dilecto Filio Nobili Viro Johanni Stwyarde Domino de Bonkyl, ac Dilecte in Christo Filie Nobili Mulieri Margarite Nate quondam Alexandri de Abirnechy Militis, Dunkelden. et Dumblane'n. Dioc. Salutem, &c.

Etsi inter illos, qui consanguinitatis linea invicem sunt connexi sacrorum canonum instituta matrimonialem copulam interdiciant, summus tamen Pontifex ex plenitudine potestatis, quam non ab homine obtinet sed a Deo, considerata personarum et tempora qualitate utiliora prospiciens, nonnunquam justitiam mansuetudine presertim circa personas generis nobilitate pollentes temperat, et quod negat juris severitas de gratia provide benignitatis indulget. Sane petitio pro parte vestra nobis exhibita continebat, quod cum inter communes utriusque vestrum parentes et amicos ab olim fuerit gravis discordia

(sic)

fuscitata nuper inter eo de consensu utriusq. vestrum pro reformatione pacis et concordie inter vos et eos extitit ordinatum, ut vos debeatis invicem matrimonialiter copulari. Verum quia estis in quarto consanguinitatis gradu conjuncti matrimonium contrahere non potestis dispensatione super hoc Sedis Apostolice non obtenta. Quare pro parte vestra nobis extitit humiliter supplicatum, ut providere vobis super hoc de oportune dispensationis remedio dignaremur. Nos igitur, qui pacem et salutem querimus singulorum, et inter Christi fideles libenter pacis et concordie comoda procuramus, cupientes inter vos, et utriusque vestrum parentes, consanguineos, et amicos pacis gratia vigeat, hujusmodi supplicationibus inclinati vobiscum ut impedimento,

quod ex consanguinitate hujusmodi provenit non obstan. matrimonium invicem contrahere libere valeatis, et in eo postquam contractum fuerit licite remanere auctoritate Apostolica de speciali gratia dispensamus. Prolem suscipiendam ex vobis legitimam nuntiantes. Nulli ergo, &c. nostre dispensationis et nuntiationis infringere, &c. Datum Avinione ix kalen. Novembr. anno tertio decimo.

DISPENSATIO JOANNI STUARTO Laico et ALICIAE MORE, Natæ REGINALDI MORE, Laici Glasguen. Diocese.

BENEDICTUS Epus, Servus Servorum Dei, Venerabili Fratri Ex Regto
Episcopo Glasguen. Salut. &c. Bened. P. P.
XII. an. v.
p. 253.

Oblate nobis ex parte dilecti filii Johannis Stuarti laici, et dilecte in Christo filie Alitie More natæ dilecti filii Reginaldi More laici tue Dioc. petitionis series continebat, quod olim ipsi Johannes et Alitia ignorantes aliquod impedimentum existere inter eos, propter quod nequirent matrimonialiter copulari, sponsalia in simul contraxerunt non tamen bannis editis de Episcopi Glasguen. predecessoris tui licentia, ac diligenti inquisitione super impedimentis si qua essent habita, nec reperto aliquo, quod obstaret se matrimonialiter copularunt, quodque hujusmodi matrimonio in facie ecclesiæ solennizato, et carnali inter ipsos copula subsequuta, ad eorum pervenit notitiam, quod dictus Johannes et (sic) condam Guillelmus de Herch dicte Alitie prior maritus dum viveret erant invicem quarta linea consanguinitatis conjuncti. Quare pro parte dictorum Johannis et Alitie nobis extitit humiliter supplicatum, ut cum ex eorum separatione si fieret cum sint nobiles, possent inter eorum parentes et amicos multa scandala et dampna irreparabilia evenire, providere eis super hoc de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur more patris benivoli, qui cunctorum Christi fidelium pacem summis desideriis affectamus, dictorum Johannis et Alitie saluti providere, ac hujusmodi dampnis et scandalis precavere salubriter cupientes, fraternitati tue de cujus circumspeditione fiduciam gerimus in Domino plenior per Apostolica scripta mandamus, quatenus si est ita, cum prefatis Johanne, et Alitia ut impedimento, quod ex consanguinitate hujusmodi provenit non obstante possint in dicto matrimonio licite remanere, auctoritate nostra dispenses. Prolem ex eodem matrimonio susceptam et suscipiendam legitimam decernendo. Datum Avinione vi idus Julii, Pontificatus nostri anno quinto. 1340.

Alia DISPENSATIO iisdem Personis, JOHANNI STUARDO,
Laico, et ALICIAE MORE Nate REGINALDI MORE,
Laica, Glasguen. Diocese.

Ex Reg^{to}
ejusd. Ponti-
ficis, an. vi.
ep. 255.

1341.

BENEDICTUS Ep^{us}, Servus Servorum Dei, Venerabili Fratri
Episcopo Glasguen. Salutem, &c.

Petitio dilecti filii Joannis Stuard laici, et dilecte in Christo filie Alitie More, nate dilecti filii Reginaldi More laici tue Dioc. nobis exhibita continebat, quod olim ipsi ignorantes aliquod impedimentum existere inter eos, propter quod nequirent matrimonialiter copulari, existentes ad tempus in castro Gailardi Rothomagen. Dioc. non animo constituendi sibi domicilium, sed sicut familiares domestici cum carissimo in Xpo filio nro David Rege Scotie illustri eorum Domino in predicto castro tunc commorante sponsalia infimul contraxerunt, quodque postmodum cum dilectus filius Decanus Ecclesiae Beatæ Mariæ de Andeliaco dicte Rothomagen. Dioc. ex commissione per archiepiscopum Rothomagen. qui tunc erat sibi facta inquisitione per eum super hoc prehabita diligenti non repererit aliquod impedimentum, quod matrimonium inter eos impedire valeret existere super editione bannorum super hoc edendorum cum eisdem Johanne et Alitia ex commissione pred^a sine fraude dispensavit, propter quod ipsi se matrimonialiter copularunt, ac deinde matrimonio in facie ecclesie solennizato, et carnali inter eos copula subsecuta, ad eorum pervenit notitiam, quod predictus Johannes et condam Guillelmus de Herch prior ipsius Alitie maritus dum viveret erant ad invicem quarta consanguinitatis linea conjuncti propter quod nequeunt in sic contracto matrimonio licite remanere, dispensatione super hoc a Sede Aplica non obtenta quare predⁱ Johannes et Alitie nobis super hoc humiliter supplicarunt, quod cum ex eorum separatione si fieret, cum sint nobiles, possent inter eorum parentes et amicos multa scandala, et dampna irreparabilia evenire, providere eis super hoc de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur, qui salutem et pacem querimus singulorum, huoi scandalis et dampnis quantum cum Deo possumus obviare volentes, ipsorum Johis et Alitie supplicationibus inclinati, Fraternitati tue, de quæ plenam in Dno fiduciam obtenimus per Aplica scripta committimus et mandamus, quatenus si est ita cum eisdem Johe et Alitia ut impedimento, quod ex huoi consanguinitate provenit, non obstante in sic contracto matrimonio possint licite remanere auctoritate nra dispenses. Prolem suscipiendam ex huoi matrimonio legitimam decernendo. Datum Avinione v Idus Martii anno sexto.

DISPENSATIO Nobili Viro JOANNI SENESCALLO Laico,
et Nobili Mulieri FYNGOLE Natæ Nobilis Viri Angusii
de Insulis Glasguen. et Sodoren. Diocese.

CLEMENS Episcopus, Servus Servorum Dei. Venerabili Fratri.....
Episcopo Glasguen. Salutem, &c.

Ex Regto
Clemen. P.P.
VI. an. i.
ep. 396.

1342.

Petitio siquidem pro parte dilecti filii nobilis viri Johannis Senescalli Laici, et dilectæ in Christo filie nobilis mulieris Fyngole natæ dilecti filii nobilis viri Angusii de Insulis tue Glasguen. et Sodoren. Dioc. nobis exhibita continebat, quod olim satore zizanie pacis emulo, ac intentore malorum omnium procurante inter utriusque ipsorum. Johannis et Fyngole communes consanguineos et amicos gravissime discordie, et capitales inimicitie sunt exorte, et multarum personarum strages, ac mala et scandala plurima subsecuta, quodque ad sedandum premissa, necnon pacem et concordiam inter eos auctore Dno reformandum, et ad obviandum majoribus scandalis atque periculis, que in futurum sequi ex premissis verisimiliter timebantur amicis comunibus mediantibus habitus est tractatus, quod ipsi Johannes et Fyngola matrimonialiter copulentur. Sed quia ipsi Johannes et Fyngola quarto consanguinitatis et quarto affinitatis gradibus invicem sunt conjuncti matrimonium ipsum contrahere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Johannis et Fyngole nobis extitit humiliter supplicatum ut providere ipsis super hoc de oportune dispensationis beneficio misericorditer dignaremur. Nos itaque sui salutem et pacem querimus singulorum, volentes quantum cum Deo possumus hujusmodi scandalis, malis, atque periculis obviare, ipsorum. Johannis et Fyngole in hac parte supplicationibus inclinati, fraternitati tue de qua plenam in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita cum eisdem Johanne et Fyngola ut impedimento, quod ex consanguinitate et affinitate hujusmodi provenit non obstante matrimonium inter se libere contrahere, ac in eo postquam contractum fuerit licite remanere valeant Apostolica auctoritate dispenses; prolem suscipiendam ex hujusmodi matrimonio legitimam nunciando. Datum Avinione decimo nono kalen. Februarii, Pontificatus nostri anno primo.

DISPENSATIO Nobili Viro JACOBI DE LUNDESAY,
Militi, et Nobili Mulieri EGIDIE STEWARD, Glasguen.
Diocese.

Ex Reg^{is}
Clemen. P. P.
VI. an. v.
ep. 1091.

1346.

(sic)
CLEMENS Ep^{us}, Servus Servor^{um}. Dei. Dilecto Filio Jacobo Nobili Viro Jacobo
de Lundesay Militi, et Dilecte in Christo Filie Nobili Mulieri Egidie
Steward Glasguen. Dioc. Salutem, &c.

Etsi conjunctio copule conjugalis tertio et quarto gradibus a sacris sit canonibus interdicta, summis tamen Pontificibus ex plenitudine potestatis, quam non ab homine obtinet sed a Deo, considerata personarum et rerum qualitate utiliora prospiciens nonnunquam rigorem juris mansuetudine maxime inter personas nobiles temperat, et quod negat juris severitas indulget de speciali gratia misericorditer dispensando. Petitio siquidem nobis pro parte vestra exhibita continebat, quod ex tractatu communium amicorum vestrorum ad pacis et tranquillitatis federa inter vos et amicos eisdem conservando affectantes invicem matrionaliter copulari. Verum quia sicut eadem subjungebat petitio in tertio et quarto ex parte patrum, et in quarto &c. ex parte matrum vestrorum consanguinitatis gradibus vos invicem contingitis non potestis impedimentis hujusmodi obstantibus, vestrum in hac parte absque Apostolice dispensationis gratia desiderium adimplere. Quare pro parte vestra fuit nobis humiliter supplicatum, ut super hoc de oportune dispensationis beneficio providere vobis misericorditer dignaremur. Nos itaque, qui libenter Christi fidelibus quietis commoda procuramus carissimi in Christo filii nostri Philippi Regis Francor. illustris nobis super hoc humiliter supplicantis, ac vestris supplicationibus inclinati vobiscum, quod matrimonium invicem impedimentis, que ex consanguinitate hujusmodi proveniunt nequaquam obstantibus libere contrahere, ac in ipso matrimonio postquam contractum fuerit licite remanere possitis auctoritate Apostolica de speciali gratia dispensamus. Prolem ex huoi matrimonio suscipiendam legitimam nuntiando. Nulli ergo &c. nostre dispensationis infringere &c. Datum Avinione iii idus Aprilis, Pontificatus nostri anno quinto.

DISPENSATIO THOMÆ SENESCALLO, Comiti de
ANGUS, et Nobili Mulieri MARGARITÆ de SANCTO
CLARO S^{re} Andreæ Diocese.

INNOCENTIUS Epus, Servus Servor. Dei. Venerabili Fratri Epif-
copo Sancti Andree in Scotia Salutem, &c.

Ex Reg^{to}
Innoc. P. P.
VI. an. i.
ep. 1039.

Petitio pro parte dilecti filii nobilis viri Thome Senescallis Comitis Angusie, et dilecte in Christo filie nobilis mulieris Margarete de Sancto Claro tue Dioc. nuper nobis exhibita continebat, quod ipsi ex certis causis desiderant invicem matrimonialiter copulari. Sed quia iidem Thomas et Margareta quarto sunt consanguinitatis gradu conjuncti, matrimonium inter se contrahere licite nequeunt, dispensatione super hoc Apostolica non obtenta. Cum autem sicut eadem petitio subjungebat, ex hujusmodi matrimonio si fieret inter eorum consanguineos et amicos posset fortius affectionis et dilectionis vinculum verisimiliter solidari, et alia bona tam ipsis, ac eorum subditis, quam incolis eis convicinis provenire sperentur; pro parte ipsorum Thome et Margarete nobis extitit humiliter supplicatum, ut eis super hoc de oportune dispensationis beneficio providere de benignitate Apostolica dignaremur. Nos itaque carissimi in Christo filii nostri Johannis Regis Francorum illustris, ipsum Thomam suum fidelem amicum asserentis nobis super hoc humiliter supplicantis, ac eorum Thome et Margarete in hac parte supplicationibus inclinati, fraternitati tue de qua in Domino fiduciam obtinemus, causis nobis expositis per Apostolica scripta committimus et mandamus, quatenus si est ita cum eisdem Thoma et Margareta, ut impedimento, quod ex dicta consanguinitate provenit non obstante, matrimonium invicem libere contrahere, et in eo postquam contractum fuerit remanere licite valeant auctoritate Apostolica dispenses. Prolem suscipiendam ex hujusmodi matrimonio legitimam nuntiando. Datum apud villam novam Avionen. Dioc. iiii nonas Junii anno primo.

1353.

DISPENSATIO Nobili Viro THOMÆ DE SOMIRVILE
Domino Castro de Carneswych, Militi, et Nobili
Mulieri Mariæ DE WANS, Domicellæ Glasguen.
Diocese.

Ex Reg^{to}
Innoc. P. P.
VI. an. ii.
ep. 280.

INNOCENTIUS Ep^{us}, Servus Servor. Dei Venerabili Fratri Episcopo
Glasguen. Salut. &c.

1354.

Petitio dilecti filii nobilis viri Thome de Somirvile Dni Castri de Carneswych, Militis, et dilectæ in Xpo filiæ nobilis mulieris Marie de Wans Domicelle tue Dioc. nobis exhibita continebat, quod olim ipsi ignorantes aliquod impedimentum inter eos existere quominus possent matrimonialiter copulari, matrimonium per verba de presenti publice contraxerunt, quodque postmodum ad eorum pervenit notitiam quod ipsi Thomas et Maria quarto consanguinitatis gradu erant conjuncti, propter quod ad solempnizationem hujusmodi matrimonii procedere nequeunt dispensatione Apostolica super hoc non obtenta. Cum autem sicut eadem petitio subjungebat, si divortium fieret inter eos gravia possent exinde scandala et pericula verisimiliter exoriri, nobis humiliter supplicarunt, ut providere eis super hoc de oportune dispensationis remedio dignaremur. Nos igitur hujusmodi scandalis et periculis quantum cum Deo possumus obviare volentes ipsorum supplicationibus inclinati, fraternitati tue, de qua plenam in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita cum eisdem Thoma et Maria ut in sic contractu matrimonio licite remanere, ac illud in facie ecclesie solemnizare valeant impedimento quod ex huius consanguinitate provenit non obstante auctoritate nostra dispenses. Prolem suscipiendam ex hujusmodi matrimonio legitimam nuntiando. Datum apud Villamnovam Avivionen. Dioc. iiii kalendas Junii Pontificatus nostri anno secundo.

DISPENSATIO Nobili Viro JOANNI WOLLEYS, Domicello, et Nobili Mulieri ELIZABETH DE EGLINTON, Domicellæ, Glasguen. Diocese.

VRBANUS Epus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salut. &c.

Ex Regio
Urb. P. P. V.
an. ii. ep.
269.

Oblata nobis pro parte dilecti filii nobilis viri Johannis Wolleys Domicelli, et dilectæ in Xpo filie nobilis mulieris Elizabeth de Eglinton Domicelle tue Dioc. petitionis series continebat, quod olim de contrahendo matrimonium inter eos per ipsorum communes parentes pro conservatione pacis et concordie eorundem, et ad sedan. guerras que inter ipsos longis temporibus ingruerant, ex quibus homicidia et incendia fuerant subsecuta, habitus est tractatus. Sed quia dicta Elizabeth et quondam uxor dicti Johannis dum viveret erant quarto consanguinitatis gradu conjuncte, et etiam quia dictus Johannes quondam mulierem prefate Elizabeth quarto consanguinitatis gradu attinentem actu fornicationis cognoverat matrimonium hujusmodi contrahere nequeunt dispensatione Apostolica super hoc non obtenta. Quare pro parte ipsorum Johannis et Elizabeth nobis extitit humiliter supplicatum, ut providere eisdem Johanni et Elizabeth super hoc de oportune dispensationis gratia dignaremur. Nos igitur qui cunctorum Christi fidelium pacem appetimus et salutem, carissimi in Xpo filii nostri David Regis Scotie illustris nobis super hoc humiliter supplicantis, ac ipsorum Johannis et Domicelle supplicationibus inclinati, fraternitati tue per Apostolica scripta mandamus, quatenus si est ita et dicta Elizabeth propter hoc rapta non fuerit, et ad id eorundem parentum, et majoris partis consanguineorum ipsorum Johannis et Elizabeth citra tertium gradum accedat assensus cum eisdem Johanni et Elizabeth, ut impedimento, quod ex premissis provenit, non obstante matrimonium hujusmodi in simul contrahere, et in eo postquam contractum fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nuntiando. Datum Avinione iiii nonas Januarii, Pontificatus nostri anno secundo.

1364.

DISPENSATIO Nobili Viro WALTERO DE LESLEY,
Militi, ac Nobili Mulieri EUPHAMIÆ S^{re} Andreæ Rossen.
Diocese.

Ex Regio
Urb. P. P. V.
an. v. pag. 6.

1367.

VRBANUS Epus, Servus Servor. Dei. Venerabili Fratri Episcopo Sancti
Andree Salut. &c.

Oblata nobis nuper pro parte dilecti filii nobilis viri Walteri de Lessely Militis, et dilecte in Christo filie nobilis mulieris Eufamie, tue Rossen. Dioc. petitio continebat, quod ipsi ex certis causis legitimis et rationalibus nobis expositis desiderant ad invicem matrimonialiter copulari. Sed quia predictus Walterus quandam mulierem prefate Eufamie quarto gradu consanguinitatis attinentem antea carnaliter actu fornicario cognovit huiusmodi eorum desiderium adimplere non possint, dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Walteri et Eufamie fuit nobis humiliter supplicatum, ut providere eis super hoc de oportune dispensationis beneficia de benignitate Apostolica dignaremur. Nos igitur ex premissis causis, consideratione etiam carissimi filii nostri David Regis Scocie illustris pro ipso Waltero et Eufamia consanguinea sua nobis super hoc humiliter supplicantis ipsius Regis et Walteri, ac Eufamie predictorum supplicationibus inclinati, fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus, per Apostolica scripta committimus et mandamus, quatenus si est ita, et ad hoc eorundem Walteri et Eufamie parentum, et consanguineorum citra tertium gradum accedat assensus, dictaque Eufamia propter hoc rapta non fuerit, cum eisdem Waltero et Eufamia pro affinitatis impedimento, quod ex consanguinitate predicta provenit non obstante matrimonium invicem libere contrahere, et postquam contractum fuerit in eo licite remanere possint auctoritate nostra dispenses. Prolem suscipiendam ex huiusmodi matrimonio legitimam nuntiando. Datum Avinione viii kalen. Decembris Pontificatus nostri anno quinto.

**DISPENSATIO Nobili Viro JOANNI DE DUNBAR,
Domicello, et Nobili Mulieri MARIORIÆ SENESCALLI,
Domicellæ S^{re} Andreæ.**

VRBANUS Ep^{us}, Servus Servorum Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem, &c. Ex Reg^{to}
Urb. P. P. V.
an. viii. ep.
415.

Oblate nobis nuper pro parte dilecti filii nobilis viri Johannis de ^mDovibar
Domicelli, et dilectæ in Christo filie nobilis mulieris Mariorie Senescalli Do-
micelle tue Dioc. petitionis series continebat, quod ipsi desiderant invicem
matrimonialiter copulari, sed quia quarto consanguinitatis gradu invicem se
contingunt, desiderium eorum hujusmodi adimplere nequeunt, dispensatione
super hoc Apostolica non obtenta. Quare pro parte ipsorum Johannis et
Mariorie nobis fuit humiliter supplicatum ut providere ipsis de oportune dis-
pensationis gratia misericorditer dignaremur. Nos igitur ex certis causis nobis
expositis, hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis
et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta com-
mittimus et mandamus, si est ita dictaque Marioria propter hoc rapta non
fuerit, et ad id parentum majoris partis consanguineoru. dictorum Johannis
et Mariorie citra tertium gradum accedat assensus, cum eisdem Johanne et
Marioria, ut impedimento, quod ex hujusmodi consanguinitate provenit non
obstante, matrimonium invicem libere contrahere, et in eo postquam con-
tractum fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem
ex hujusmodi matrimonio suscipiendam legitimam nuntiando. Datum apud
Montemflaconem v idus Julii, Pontificatus nostri anno octavo.

1370.

**DISPENSATIO JACOBO Nato Nobilis Viri WILLIELMI
Comitis de Douglas, et Nobili Mulieri MARGARITÆ
Natæ ROBERTI Regis Scotiæ.**

GREGORIUS Ep^{us}, Servus Servor. Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem, &c. Ex Reg^{to}
Greg. P. P.
XI. an. i. ep.
p. 19. t.

Providentia Sedis Apostolice magnitudinem excellentium personarum ad-
vertens, et attente considerans, quod earum inclita devotio, favorum et gratie
plenitudinem.

1371.

plenitudinem pertinentur dignum et congruum reputat ymmo potius debitum arbitraturs eis gratioſe concedere, quod nonnunquam aliis interdicit maxime cum ſperatur, quod gratia, que illis impenditur ipſas Eccleſie Romane devotiores efficiat, et quod earum obſequioſa devotio Reipublice utilitatis auferat incrementum. Oblate ſiquidem nobis pro parte dilecti filii nobilis viri Jacobi nati dilecti filii nobilis viri Willelmi Comitis de Douglas, et dilecte in Chriſto filie nobilis mulieris Margarite cariffimi in Xpo filii noſtri Roberti Regis Scocie illuſtris nate petitionis ſeries continebat, quod ipſi certis ex cauſis deſiderant invicem matrimonialiter copulari. Sed quia quarto conſanguinitatis gradu ex utroque parente invicem ſe contingunt eorum deſiderium in hac parte adimplere nequeunt diſpenſatione ſuper hoc Apoſtolica non obtenta. Quare pro parte dictorum Jacobi et Margarite nobis fuit humiliter ſupplicatum, ac providere eis ſuper hoc de oportune diſpenſationis gratia de benignitate Apoſtolica dignaremur. Nos igitur conſideratione cariffimi in Chriſto filii noſtri Caroli Francorum illuſtris et dⁱ Scotie Regum nobis ſuper hoc humiliter ſupplicantium huoi ipſorum Regum, ac Jacobi, et Margarite predictorum ſupplicationibus inclinati, fraternitati tue de qua in hiis et aliis ſpecialeſ in Domino fiduciam obtinemus per Apoſtolica ſcripta committimus et mandamus, quatenus ſi eſt ita dictaq. Margareta propter hoc rapta non fuerit cum ipſis Margareta et Jacobo, ut impedimento, quod ex dicta conſanguinitate provenit non obſtante hujusmodi matrimonium inſimul libere contrahere et in eo poſtquam contractum fuerit licite remanere valeant auctoritate Apoſtolica diſpenſes. Prolem ſuſcipiendam ex huoi matrimonio legitimam nuntiando. Datum apud Villamnovam Avinionen. Dioc. viiii kalen. Octobris, Pontificatus noſtri anno primo.

DISPENSATIO Nobili Viro PATRICIO DE HEPBURN,
Militi, S^r Andreæ, et ELEANORÆ DE BRUYS, Comitiſſæ de Carryk.

Ex Regiſ
Greg. P. P.
XI. an. vi.
ep. 348.

1376.

GREGORIUS Epus, Servus Servor. Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem, &c.

Oblate nobis pro parte dilecti filii nobilis viri Patricii de Hepborii Militis et dilecte in Chriſto filie nobilis mulieris Eleonore de Bruys, Comitiffe de Carrik

tue et Glasguen. Dioc. petitionis series continebat, quod ipsi certis ex causis de communi consensu amicorum desiderant invicem matrimonialiter copulari. Sed quia quarto consanguinitatis gradu invicem se attingunt, ex eo quod idem Patricius quondam Agnetem ipsi Eleonore in quarto consanguinitatis gradu attingentem habuerat antea in uxorem desiderium eorum in hac parte adimplere non possunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Patricii et Eleonore nobis fuit humiliter supplicatum, ut providere sibi super hoc de oportune dispensationis gratia misericorditer dignaremur. Nos igitur huiusmodi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita dictaque mulier propter hoc rapta non fuerit, cum eisdem Patricio et Eleonora, quod impedimento affinitatis predicto, seu alio impedimento simili de quo non speratur ad presens si forsan imposterum reperiretur non obstantibus matrimonium invicem libere contrahere, et in eo postquam contractum fuerit licite remanere valeant auctoritate nostra dispenses. Prolem ex huiusmodi matrimonio suscipiendam legitimam nuntiando. Datum Avinione xv kalendas Aprilis, Pontificatus nostri anno sexto.

**DISPENSATIO Nobili Viro ROBERTO de * BEVATHYN
Domicello et Nobili Mulieri EGIDIE Senescalli Domicellæ Glasguen. Diocese.**

CLEMENS Epus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem, &c.

Ex Regto
Clem. VII.
Antip. an. ix.
P. 143.

Oblate nobis pro parte dilecti filii nobilis viri Roberti de Bevachtyn Domicelli, et dilecte in Xpo filie nobilis mulieris Egidie Seneschalli Domicelle Glasguen. Dioc. petitionis series continebat, quod ipsi nonnullorum amicorum fuorum interveniente tractatu, ut inter amicos cujuslibet eorum pax et dilectio continue maneat desiderant invicem matrimonialiter copulari. Sed quia pater naturalis dicte Egidie prefatu. Robertum de Sacrofonte levavit, non possunt huiusmodi eorum desiderium adimplere dispensatione Apostolica super hoc non obtenta. Quare pro parte dictorum Roberti et Egidie nobis fuit humiliter supplicatum, ut providere eis super hoc de oportune dispensationis gratia de

1378.

* Forte Bethunc.

benignitate Aplica dignaremur. Nos qui pacem inter amicos ipsos nutrire quantum cum Deo possumus cupimus, carissimi etiam in Xpo filii nostri Roberti Regis Scocie illustris, et ipsorum Roberti et Egidie supplicationibus inclinati, fraternitati tue de qua in hiis et aliis specialem in Dno fiduciam obtinimus per Apostolica scripta committimus et mandamus, quatenus si est ita, dictaque Egidia propter hoc rapta non fuerit cum eisdem Roberto de Be-
vachtyn et Egidia, ut impedimento cognationis spiritualis inter eos ex dicta
levatione de Sacrofonte exorte, non obstan. matrimonium invicem libere
contrahere, et in eo postquam contractum fuerit remanere licite valeant
auctoritate Apostolica dispenses. Prolem suscipiendam ex huoi matrimonio
legitimam nuntiando. Datum Avinione v nonas Octobris anno nono.

DISPENSATIO Nobili Viro NORMANNO de LESLE
Domicello et Nobili Mulieri CHRISTIANÆ de CETON
Domicellæ S^r Andreae Diocese.

Ex Reg^{to}
Bened. XIII.
Antip. an.
xxii. p. 487.

1415.

BENEDICTUS Epus, Servus Servor. Dei. Venerabili Fratri Episcopo
Sancti Andreae Salutem, &c.

Oblate nobis pro parte dilecti filii nobilis viri Normani de Lesli Domicelli,
et dilecte in Christo filie nobilis mulieris Cristiane de Ceton Domicelle tue
Dioc. petitionis series continebat, quod ipsi desiderant invicem matrimonialiter
copulari; sed quia quarto consanguinitatis gradu insimul sunt conjuncti,
desiderium hujusmodi adimplere non possunt, dispensatione super hoc Aposto-
lica non obtenta. Quare pro parte ipsorum Normani et Christiane nobis
extitit humiliter supplicatum, ut providere eis super hoc de oportune dispen-
sationis gratia de benignitate Apostolica dignaremur. Nos igitur hujusmodi
supplicationibus inclinati fraternitate tue, de qua in his et aliis specialem in
Domino fiduciam obtinemus per Apostolica scripta comittimus et mandamus,
quatenus si est ita cum eisdem Normano et Cristiana dummodo ipsa propter
hoc rapta non fuerit, ut ipsi impedimento quod ex consanguinitate hujus-
modi provenit, non obstante, matrimonium invicem contrahere, et in eo
postqua. contractum fuerit remanere licite valeant auctoritate nostra dispenses.
Prolem ex huoi matrimonio suscipiendam legitimam nuntiando. Datum
Paniscole Dertusen. Dioc. iiii nonas Septembris anno vicesimo secundo.

**DISPENSATIO Nobili Viro JACOBO STEWART et Nobili
Mulieri JOANNÆ BUREFORD, S^m Andreae Diocese.**

EUGENIUS Epus, Servus. Servorum Dei. Venerabili Fratri Episcopo
Dunkelden. Salutem, &c.

Ex Reg^{to}
Eug^{li} P. P.
IV. an. ix.
p. 232.

1439.

Oblate nobis nuper pro parte dilecti filii nobilis viri Jacobi Stewart, et dilecte in Christo filie nobilis mulieris Johanne Berrford, Sancti Andree Dioc. petitionis series continebat, quod ipsi olim ignorantes se tertio, et tertio ac quarto et quarto necnon tertio et quarto consanguinitatis et affinitatis gradibus se esse conjunctos, credentes id sibi licere matrimonium invicem per verba legitime de presenti coram certis testibus clandestine contraxerunt, ac postmodum cum ad eorum notitiam devenisset, quod insimul ut prefertur prefatis consanguinitatis et affinitatis gradibus conjuncti erant matrimonium ipsum per carnalem copulam consummarunt. Cum autem sicut eadem petitio subjungebat, ipsi Jacobus et Johanna in hujusmodi sic contracto matrimonio remanere nequeant dispensatione super hoc Apostolica non obtenta, et si divertium fieret inter eos gravia exinde dissensiones et scandala inter eorum amicos et parentes possent verisimiliter exoriri, ipsaque Johanna propterea remaneret perpetuo diffamata, pro parte ipsorum Jacobi et Johanne nobis fuit humiliter supplicatum, ut eis super hoc de absolutionis debite beneficio ab excommunicationis sententia quam propterea incurrerunt, et de oportune dispensationis gratia providere misericorditer dignaremur. Nos igitur, qui salutem querimus singulorum, et inter Christi fideles libenter pacis et quietis commoda procuramus, cupientes, prefatis dissensionibus et scandalis quantum cum Deo possumus salubriter obviare, hujusmodi supplicationibus inclinati, fraternitati tue de qua in hiis et aliis gerimus in Dno fiduciam specialem cum ipsi Jacobus et Johanna ordinarium suum habeant in hac parte suspectu. per Apostolica scripta committimus et mandamus, quatenus si est ita, prefatis Jacobo et Johanna separatis ab invicem ad tempus de quo tibi videbitur expedire, eos ab hujusmodi excommunicationis sententia, quam propter premissa incurris se noscuntur auctoritate nostra absolvas in forma ecclesiae consueta, injunctis eis inter alia sub virtute juramenti per eos prestandi, quod similia de cetero non committant, nec facientibus prebeant auxilium, consilium vel favorem, ac pro modo culpe penitentia salutari, et aliis que de jure fuerint injungenda. Et demum si tibi expediens videatur, quod hujusmodi sit dispensatio concedenda super quo tuam conscientiam oneramus, cum ipsis Jacobo et Johanna ut impedimentis que ex consanguinitate

et affinitate hujusmodi proveniunt non obstantibus matrimonium invicem de novo libere contrahere, et in eo postquam contractu. fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem susceptam si qua est, et suscipiendam ex eis legitimam nuntiando. Volumus quod ille ex predictis Jacobo et Johanna, qui vite superstes fuerit perpetuo remaneat innuptus. Datum Florentie anno Incarnationis Dñice millesimo quadringentesimo tricesimo nono, undecimo kalendas Octobris, Pontificatus nostri anno nono.

**DISPENSATIO Nobili Viro Jacobo Comiti de Douglas,
Fratri Germano GULIELMI quondam Comitis de
Douglas, et Nobili Mulieri MARGARETE etiam de
Douglas, Glasguen. Diocese.**

Ex Regio
Nicolai,
P. P. V. an.
vi. p. 60. ar.

1452.

NICOLAUS Epus, Servus Servor. Dei. Dilecto Filio Nobili Viro Jacobo Comiti de Douglas, et Dilecte in Christo Filie Nobili Mulieri Margarete etiam de Douglas, Glasguen. Dioc. Salutem, &c.

Et si inter personas quilibet pacis et quietis commodi ex suscepti summi Apostolatus officii debito procurare teneamur, circa tamen personas generositate preclaras id plurimum insidet nobis cordi, unde nonnunquam juris canonici temperando rigorem, aliqua earum ac aliorum premissorum intuitu concedere nos convenit, que alias non essemus facilliter concessuri. Exhibita siquidem nobis nuper pro parte vestra petitio continebat, quod licet olim quondam Willielmus Comes de Douglas tunc in humanis agens tecum Margareta, illi secundo et tertio consanguinitatis gradibus conjuncta, tuncq. infra nobiles et duodecimum tue etatis annos constituta, ac conjunctione hujusmodi non ignorante matrimonium per verba de presenti contraxerit, ipseque qui aliquandiu tecum habitavit re carnaliter forsan cognoscere temptaverit, et adimpleri nequiverit, dispensatione Apostolica oportuna super hoc non obtenta, quamvis fuerit per dictum Willhelmum Comitem debita cum instantia procurata. Vos tamen qui similibus gradibus estis conjuncti dicto Wilhelmo, cujus tu Jacobo olim frater germanus fuisti, sicut Dño placuit rebus humanis exempto, ad sedandum guerras, dissensiones, homicidia et scandala, que inter vestros parentes consanguineos et amicos, qui in illis partibus magni nobiles et potentes fore noscuntur retrofluxis temporibus suscitata, ac pro conservandis, ut ulterius procurandis inter illos et nos pacis et amicitie nexibus, necnon

necnon ex certis aliis rationabilibus causis desideratis invicem matrimonialiter copulari. Sed quia tu Jacobe quamdam aliam mulierem eidem Margarite in secundo et tertio ejusdem consanguinitatis gradibus attinente, alias actu fornicaris carnaliter cognovisti que ex publice honestatis justitie ac consanguinitate affinitate proveniunt impedimentis hujusmodi obstantibus vestrum huoi desiderium adimplere non valetis dispensatione super hoc Apostolica non obtenta. Quare pro parte vestra nobis fuit humiliter supplicatum, ut pro bono pacis et concordie ad evitandum quecumque dissensiones et scandala, que alias verisimiliter suboriri possint nobis de oportune dispensationis gratia, ac alia super hiis salubriter providere de benignitate Aplica dignaremur. Nos igitur qui inter fideles quoslibet presertim generum prosapia atque generositate pollentes pacis, et quietis commoda tanto libentius procuramus, quanto et eorum dissensionibus majora possent scandala verisimiliter provenire cunctis discriminibus que alias exinde contingere possent obviare cupientes ex premissis et certis aliis causis rationabilibus, et etiam consideratione carissimi in Xpo filii nri Jacobo Scotorum Regis illustris pro vobis consanguineis suis super hiis nobis humiliter supplicantis, ipsiusque Regis, ac vestris humilibus supplicationibus inclinante Margaretam ab excommunicationis sententia, quam propter premissa incurrisse dinosceris auctoritate Aplica absolvimus, ac tecum, et cum dicto Jacobo Comite ut premissis, ac quorumcumq. aliorum similium aut distantiorem consanguinitatis et affinitatis graduum impedimentis, que Pntibus haberi volumus pro sufficienter expressis nequaquam obstantibus matrimonium inter vos contrahere, et in eo postquam contractum fuerit remanere libere et licite valeatis eadem auctoritate tenore Pntium de speciali gratia dispensamus. Prolem exinde suscipiendam legitimam decernendo. Volumus autem quod antequam huoi matrimonium contrahatis confessor idoneus, quem quilibet vestrum duxerat eligendum vobis videlicet tibi Jacobo Comiti pro incesta occasione de fornicationis contracto, ac etiam tibi Margarete pro aliis predictis penitentiam salutarem, et alia que fuerint injungenda injungat, que vos omnino debeatis adimplere, alioquin Pntes littere nullius sint roboris vel momenti. Nulli ergo, &c. Nre absolutionis, dispensationis, constitutionis et voluntatis infringere, &c. Si quis, &c. Datum Rome apud S. Petrum anno, &c. millesimo quadringentesimo quinquagesimo secundo quarto kalen. Martii, Pontificat. nri anno sexto.

M. DE MARINI the Keeper of the Records in the Vatican and Castle St. Angelo, authenticated all the preceding Dispensations by his seal and subscription, in the same manner as the first of those here printed;—and these official copies are now in my possession.

LIST of DISPENSATIONS found by M. DE MARINI
in the ARCHIVES of the VATICAN, of which Notes were
taken by him, over and above those whereof the
official Copies are hereinbefore inserted.

Popes by whom granted.	Date,
JOHN XXII.	Dispensatio Jacobo Freiser, Aberdonen. et Margaritæ de Ferendraucht, - - - - 1322
Idem.	Dispen. Davidi de Lindesay Glasguen. Diocese et Mariæ filiaæ Alexandri de Abernethie, - - 1325
Idem.	Dispen. Jacobo de Cunninghin Glasguen. et Elenæ de Caridelle (vel Calentillæ).
BENEDICT XII.	Dispen. Joanni quondam Eagussii de Isle Soderen. et Amiaæ quondam Roderici de Insulis, - 1337
Idem.	Dispen. Philippo Domino de Meldon Aberdonen. et Mariæ Eglinton, - - - - 1339
CLEMENT VI.	Dispen. Thomæ Comiti de Marr Aberdonen. et Margaritæ Viduæ Joannis de Moravia, - 1352
Idem.	Dispen. Willielmo de Moravia Glasguen. et Margaritæ filiaæ Duncani Campbell Militis.
INNOCENT VI.	Dispen. Roberto de Ramesay Domicello Dunchelden. et Joannæ quondam Maldini de Ramesay, - - - - 1353
Idem.	Dispen. Thomæ Comiti de Mar Aberdonen. et Margaritæ filiaæ quondam Joannis Comitis de Menteith, - - - - 1354
Idem.	Dispen. Roberto Erskine Militi et Nobili Mulieri Christianæ de Beth Stæ Andreaæ Diocese, - 1355
URBAN V.	Dispen. Joanni de Haia Domino loci de Tubilon Aberdonen. et Christianæ filiaæ Willielmi Comitis de Keith Domicellæ Moravien, - 1364
Idem.	Dispen. Fergusio Mackdouel Domicello Candidæ Casæ et Margaritæ filiaæ Willielmi de Cunningham Domicellæ Glasguen. - - - 1364

SUPPLEMENT.

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Popes by whom granted.

Date.

URBAN V.	Dispen. Lotolamio filio Joannis dicti Magrilleon Domicello Sodoren. et Mariæ de Infulis filia Joannis, - - - - -	1366
Idem.	Dispen. Thomæ Erskin Domicell. S ^r Andreae et Mariæ de Douglas Domicellæ, - - - - -	1366
Idem.	Dispen. Joanni de Keit Domicello Aberdonen. et Mariæ de Eden Domicellæ, - - - - -	1369
Idem.	Dispen. Willielmo de Breton Domicellæ S ^r Andreae et Margaritæ quondam Joannis de Preston Militis Domicellæ.	
Idem.	Dispen. Thomæ Constabulario Domicell. S ^r Andreae et Mariottæ de Weynd.	
GREGORY XI.	Dispen. Waltero Aulani Domicello Glasguen. et Eleanoræ filia Gillespeth Campell Domicellæ.	
ELEMENT VII.	Dispen. Patricio de Sandielands Domicello	
Antipope.	S ^r Andreae ut possit ducere in uxorem Consanguineam in tertio gradu Isabellam viduam Nobilis Viri Militis Joannis de Lyndissin, - - -	1383
Idem.	Dispen. Joanni Enrici Domicell. Glasguen. et Margaritæ filia Thomæ de Kirkpatrick Militis.	
BENEDICT XIII.	Dispen. Gilberto de Haia Domino loci de Drow-	
Antipope.	low S ^r Andreae et Elizabethæ Red Domicellæ Aberdonen. Diocese, - - - - -	1416
Idem.	Dispen. Lamany Nigelli Singonii Sodoren. et Annæ - - - - -	1418

Besides the preceding Dispensations, extracted from the Archives of the Vatican and of the Castle of St. Angelo, several others were discovered in the office of the *Dataria* at Rome, where search was made in the period between 1380 and 1420.

The search in the Archives at the Vatican had been made for the period from the year 1317 to the year 1452; and Dispensations were there found during the whole course of that period with little intermission, excepting from 1376 to 1416, during which time there was not in these registers one single Dispensation granted to Scotch persons. From this circumstance I suspected that there were registers for that period which were kept in some other place. Whereupon it was suggested to me, that probably they might be found at the *Dataria*, where the records during the times of some of the Popes or Antipopes were kept. Accordingly, in consequence of a memorial given in to the officers of the *Dataria*, a search was made there, in the course of which the following Dispensations were discovered.

DISPENSATIO Matrimonialis Nobili Viro **ALEXANDRO STEVART** Domicello, et Nobili Mulieri **EGIDIE DE DOUGLAS**, Relictæ Vidue quondam **HENRI SAINTCLAR** Militis, Diecesum Glasguensis et S. Andree.

CORULLI.

MARTINUS Episcopus, Servus Servorum Dei, Veni Fratri Episcopo Sancti Andree Salutem et Apostolicam Benedictionem. Oblata nobis nuper pro parte dilecti filii nobilis viri Alexandri Stevart domicelli et dilectæ in Xpto filie nobilis mulieris Egidie de Douglas quondam Henrici Sœuclar Militis relictæ vidue Glasguen. et Sancti Andree Diecesum petitionis series continebat quod ipsi Alexander et Egidia ad sedandum graves discordias que olim inter eorum parentes et amicos fuerunt exorte et alias ad pacem inter eosdem parentes et amicos perpetuo procurandum desiderant ad invicem matrimonialiter copulari. Sed quia Alexander tertio et Egidia prefati secundo dumtaxat consanguinitatis gradibus ab eorum comuni stipite distare noscuntur huic eorum desiderium adimplere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte dictorum Alexandri et Egidie nobis fuit humiliter supplicatum ut super hoc eis de oportune dispensationis gratia providere de benignitate Apca dignaremur. Nos igitur qui pacem inter Xpi fideles totis affectibus procuramus ex premissis et aliis causis nobis expositis huic supplicationibus inclinati fraternitati tue de qua in his et aliis specialem in Domino fiduciam obtinimus per Apostolica scripta etiam mandamus quatenus si est ita dictaque Egidia propter hoc rapta non fuerit cum eisdem Alexandro et Egidia ut impedimento quod ex huic consanguinitate provenit non obstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant aucte nostra dispenſes. Prolem ex huiusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctum Petrum tertio kalendas Maii anno primo,

Martinus V.
anno primo.
3 kal. Maii.
1418.

Fa— X X. de Berretanis.

Reg^{ta} libro octavo Pontificatus anni quinti Felias Recordnis

Martin, P. P. V. pag. 79.

Sumptum ex Registris Lrarum Aplicarum fel. rec. Martini, P. P. quinti,

et collationatum per me Ludovicum Godin earundem Lrarum

Aplicarum Registri Magistri Magistrum.

Concordat cum Registro originali et de facultates Clausulis extensis & salvos PHILIPPUS LANZONUS Reg^{ta} Lrarum Aplicarum custos,

DISPENSATIO Matrimonialis ROBERTO DE GLEDSTANIS
et JONETE Filie WILLIELMI TURNBUL Dioecesis
Glasguensis.

P. DE MONTELLA.

Martinus V.
anno tertio.
7 idus Febr.
1420.

MARTINUS Episcopus, Servus Servorum Dei, Veni Fratri Episcopo
Sancti Andree Salutem et Aplicam Benedem. Oblata nobis nuper
pro parte dilecti filii Roberti de Gledstani laici et Jonete dilecte filie Willielmi
Turnbul nate mulieris Glasguen. diecesis petitionis series continebat quod idem
Robertus quondam mulierem eidem Jonete in tertio gradu consanguinitatis
conjunctam carnaliter cognovit tamquam simplices juris ignari matrium
inter se contraxerunt per verba legitime de presenti licet de facto illudque in
facie ecclesie solemnizarunt et carnali copula consumarunt. Cum autem
sicut eadem petitio subjungebat prefati Robertus et Joneta propter impedi-
mentum ex premissis exortum in huoi matrimonio remanere nequeant dis-
pensatione super hoc Aplica non obtenta pro parte ipsorum Roberti et Jonete
nobis fuit humiliter supplicatum eis de absolutionis beneficio ab excommu-
nicaonis sententia quam propter premissa incurrisse noscentur de oportune
dispensaonis gratia providere de benignitate Aplica dignaremur. Nos igr
qui salutem querimus singulorum volentes eorundem Roberti et Jonete
super premissis animarum providere saluti huoi suplnbus inclinati fraternitate
tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus cum dictus
Robertus sicut asserit Venlem Frem nrum Willhelmum Epum Glasguen. cum
esset in hoc casu scribendum habeat ex certis causis suspectum in hac parte
per Aplica scripta comittimus et mandamus quuo eisdem Robertum et
Jonetam si hoc humiliter petierint ipsis prius ad tempus de quo tibi videbitur
ad invicem separatis ac recepto ab eis juramento quod familia de cetero non
comittent nec committentibus prestabunt auxilium consilium vel favorem ab
huoi excommunicaonis sententia juxta formam ecclesie consueta aucte nra hac
vice dumtaxat absolvas injunctis inde eis pro modo culpe penitentia saluari et
aliis que de jure fuerint injungenda. Et demum si tibi expediens indebitur quod
huoi dispo concedaret dictaque Joneta propter hoc rapta non fuerit cum
eisdem Roberto et Joneta ut ipsi impdno huoi non obstante matrimonium de
novo contrahere et in eo postquam contractum fuerit remanere libere et licite
valeant eadem auctoritate nostra dispenses. Prolem ex huoi matrimonio
susceptam et suscipiendam ex inde legmam decernendo volumus autem quod
alter

alter ex Roberto et Joneta predictis qui vite superstes fuerit perpetuo remaneat innuptus. Datum Florentie septimo idus Februarij anno tertio. Antonins. X. X. de Ponte.

Reg^{ta} libro sexto anni quarti felicitis Recordationis MARTINI, Pape quinti Pontificatus, pagina 310.

DISPENSATIO Nobili Viro WALTERO STEWART DE LEVENAX, et Nobili Mulieri JONETE DE ERSKYN Filie Nobilis Viro ROBERTI DE ERSKYN Militi Diocesis Glasguen. et S^{re} Andreae.

CORULLI.

MARTINUS Epus, Servus Servorum Dei, Venerabili Fratri Episcopo Sancti Andree Salutem et Aplicam Benedicem. Oblate nobis nuper pro parte dilecti filij nobilis viri Walteri Stewart de Levenax Domicelli et dilecte in Xpto filie nobilis mulieris Jonete de Erskyn dilecti filii nobilis viri Roberti de Erskyn Militis nate Domicelle Glasguen. et tue Diocesis petitionis series continebat quod ipsi Walterus et Janeta ex certis rationabilibus causis desiderant ad invicem matrimonium copulari sed quia tertio consanguinitatis gradu invicem sunt conjuncti huic eorum desiderium adimplere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte dictorum Walteri et Jonete nobis fuit humiliter supplicatum ut propter hoc eis de opne dispnis gratia providere de benignitate Aplica dignaremur. Nos igitur ex certis causis nobis expositis huic supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus quous si est ita dtaque Joneta propter hoc rapta non fuerit cum eisdem Waltero et Joneta ut impedimento quod ex huic consanguinitate provenit non obstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant auctoritate nostra dispenfes. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctum Petrum sexto kalendas Maii anno quarto.

Franciscus X. X. Dengillo.

Registrata libro decimo anni quarti Pontificatus felicitis Record. MARTINI, Pape quinti, pag^a 222.

**ALIA DISPENSATIO Nobili Viro GEORGE DE
DUNBAR, Comiti Marchiarum Regni Scotiæ, et Nobili
Mulieri HALESIÆ WILHELM DE HAYA, Filio quondam
Militis de Vhestyr, Domicelle Diocesis S. Andree.**

COVILLI.

Martinus V.
anno 4^{to}.
7 idus Aug.

1421.

MARTINUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Sancti Andree Salutem et Apostolicam Benedicem. Oblate nobis pro parte dilecti filii nobilis viri Georgij de Dunbar Comitis Marchiarum Regni Scotie et dilecte in Xpto filie nobilis mulieris Halysie Wilhelim de Haya Militis quondam Domini de Vhestyr nate Domicelle tue diecesis petitionis series continebat quod ipsi Georgius et Halysia ex certis causis rationabilibus desiderant invicem matrimonialiter copulari. Sed quia secundo et quarto affinitatis gradibus ex eo provenientibus quia dicta Halysia quarto et quondam Beatrix dum vixit dicti Georgii prima uxor secundo consanguinitatis gradibus dumtaxat ab eorum comuni stirpe distabant invicem sunt conjuncti huoi eorum desiderium adimplere nequeunt dispne super hoc Apostolica non obtenta. Quare pro parte dictorum Georgii et Halysie nobis fuit humilr supplicatum ut ipsis super hoc de optne dispensaonis gratia providere de benignitate Aplica dignaremur. Nos igitur ex certis causis nobis expositis huoi supplaonibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtenimus per Apostolica scripta committimus et mandamus qnus si est ita dictaque Halysia propter hoc rapta non fuerit. Cum eisdem Georgio et Halysia ut impedimento quod ex affinitate huoi provenit non obstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant aucte nostra dispenses. Prolem ex huoi matrimonio suscipiendam legmam nunciando. Datum Tybure septimo idus Augusti anno quarto.

Franciscus X. X. X. Dengillo.

Registrata libro primo anni quinti Pontificatus felicitis Recordacionis, MARTINI, P. P. quinti, pag^a 181.

**DISPENSATIO Nobili Viro WILLELMO DE LEUYNSTON,
Domicello, et Nobili Mulieri ELISABETH DE CALDCOTIS,
Domicelle, Diecesis S. Andree.**

CORULLI.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Martinus V.
anno 4^{to}.
4 idus No-
vemb.
Sancti Andree, Salutem et Aplicam Benedictionem. Oblate nobis
nuper pro parte dilecti filii nobilis viri Willelmi de Leuynston Domicelli et
dilecte in Xpto filie nobilis mulieris Elifabeth de Caldcotis Domicelle tue
Diecesis petitionis series continebat quod ipsi ex certis rationabilibus causis
desiderant ad invicem matrimonialiter copulari. Sed quia tertio consanguini-
tatis gradu invicem sunt conjuncti huoi desiderium eorum adimplere ne-
queunt dispensatione super hoc Apostolica non obtenta. Quare pro parte
dictorum Willelmi et Elifabeth nobis fuit humiliter supplicatum ut super eis
de oportune dispensationis gratia providere de benignitate Apostolica digna-
remur. Nos igitur ex certis causis nobis expositis huoi supplicationibus
inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam
obtenimus per Apostolica scripta mandamus quatenus si est ita dictaque
Elifabeth propter hoc rapta non fuerit cum eisdem Willelmo et Elifabeth ut
impedimento quod ex hujusmodi consanguinitate provenit non obstante
matrimonium inter se contrahere et in eo postquam contractum fuerit re-
manere libere et licite valeant auctoritate nostra dispenses. Prolem ex huoi
matrimonio suscipiendam legitimam nunciando. Datum apud Sanctum
Petrum quarto idus Novembris anno quarto.

Franciscus X. X. Dengello.

Reg^{is} libro sexto anni quinti Pontus felicitis Recordnis
MARTINI, Pape quinti, pagina sexta.

DISPENSATIO Nobilis Viri WILLELMO DE DOUGLAS
Filii Nobilis Viri JACOBI DE DOUGLAS Militis et
Domini Loci de Dalbreck, Primogeniti Domicelli,
et MARGARITHE DE BORCHVILLE Vidue quondam
WILLELMI DE ABIRNETHI Diecesis S. Andree.

BALDUS.

Martinus V.
anno iv.
5 idus Decem-
bris.

1421.

MARTINUS Epus. Servus Servorum Dei. Venerabili Fratri Episcopo Sancti Andree, salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii nobilis viri Wilhelmi de Douglas dilecti filii nobilis viri Jacobi de Douglas Militis et Domini Loci de Dalbrech primogeniti Domicelli et dilecte in Xpto filie Margarithe de Borchwilt Relicte qm Wilhelmi de Abirnechi Laici vidue tue Diecesis petitionis series continebat quod ipsi Wilhelmus de Douglas et Margaritha ad sedandum quasdam inter eorum amicos exortas discordias et ex aliis certis causis desiderent invicem matrimonialiter copulari. Sed quia Wilhelmus de Abirnechi dum vixit et Wilhelmus de Douglas predicti sibi invicem tertio consanguinitatis gradu attinebant huoi eorum desiderium adimplere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Wilhelmi de Douglas et Margarithe nobis fuit humilr supplicatum ut super hoc eis de opne dispensis gratia providere de benignitate Apostolica dignaremur. Nos igr ex premissis et aliis causis nobis expositis huoi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta committimus et mandamus qnus si est ita dictaque Margaritha ppr hoc rapta non fuit cum eisdem Wilhelmo de Douglas et Margaritha ut impedimento quod ex premissis provenit non obstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant Apostolica auctoritate dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctum Petrum quinto idus Decembris anno quarto.

Ja. XVI. de Cortetanis.

Registrata libro decimo anno quarti Pontificatus felicitis
Recordationis MARTINI, Pape quinti, pag^a 26.

DISPENSATIO Nobili Viro ARCHEBALDI DE DOUGLAS
Domicello, et Nobili Mulieri EUPHEMÆ DE GRAHAM
Domicelle Diecesum Dunblanensis et Glasguen.

DE MONTEPOLITIANO.

MARTINUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo
 Dunblanen. Salutem et Apostolicam Benedem. Oblate nobis pro
 parte nobilis viri Archibaldi de Douglas Domicelli et nobilis mulieris Eu-
 phemie de Graham Domicelle Glasguen. et tue diecesis petitionis series con-
 tinebat quod olim ipsi postquam cum eis duplici tertio ex uno et duplici
 quarto ex alio lateribus ex diversis stipitibus provenientihus invicem con-
 junctis ut matrimonium inter se contrahere et in eo postquam contractum
 foret remanere possent Apostolica fuerat auctoritate mandatum dispensari
 antequam ad huoi mandati exequutionem procederetur simplicitate ducti
 non tamen ignorantes se huoi gradibus contis esse conjunctos matrimonium
 inter se per verba legne de presenti contraxerunt illudque carnali copula
 consumarunt. Cum autem sicut eadem petitio subjungebat ipsi nequeant in
 dicto matrimonio remanere dispne Aplica super hoc non obtenta et si di-
 vortium fieret inter eos scandala et discordie inter ipsos et eorum amicos
 verisimiliter orirentur pro parte ipsorum Archibaldi et Euphemie nobis fuit
 humiliter supplicatum ut eis super hoc de absolutionis beneficio ab excomnis
 sententia quam propterea incurrisse noscuntur et opne dispnis gratia providere
 de benignitate Aplica dignaremur. Nos igr qui scandalis discordiisque huoi
 libenter quantum nobis ex alto permittitur obviamus ex premissis et aliis
 causis nobis expositis huoi suppbus inclinati fraternitati tue de qua in iis
 et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta
 mandamus qnus si est ita Archibaldum et Euphemiam pros si hoc humiliter
 petierint ab huoi excomnis sententia aucte nostra hac vice dumtaxat absolvus
 in forma ecclesie consueta injunctis eis inter alia sub virtute juramenti per
 eos prestandi quod de cetero similia non committent nec ea committenti-
 bus prestent auxilium consilium vel favorem ac pro modo penitentia salu-
 tari et aliis que de jure fuerint injungenda et demum si dicta Euphemia ppr
 hoc rapta non fuerit cum eisdem Archibaldo et Euphemia ipsis tamen prius
 ad tempus de quo tibi videbitur ab invicem separatis ut impedito quod ex huoi
 consanguinitate provenit non obstanta matrimonium inter se de novo libere
 contrahere et in eo postquam contractum fuerit remanere licite valeat eadem
 auctoritate

Martinus V.
 anno 8vo.
 6 kal. Julii.

1425.

auctoritate dispenses. Prolem susceptam et ex matrimonio huoi suscipiendam legitimam decernendo. Datum Rome apud Sanctos Apostolos sexto kalendus Julij anno octavo.

Pe. XXX. de Casatiis.

Registrata libro septimo anni octavi felicitis Record.

MARTINI, Pape quinti, pag. 200.

ALIA DISPENSATIO SIMONI, et ANNE DE GLEN- DINWINE Diecesis Glasguen.

DE UGOLINIS.

Martinus V.
anno x^o.
25 kal. Sep-
tembris.

1427.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Glasguen. Salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii Simonis Laici et dilecte in Xpto filie Anne de Glendinwine mulieris tue diecesis petitionis series continebat quod ipsi ex certis honestis et rationabilibus causis desiderant invicem matrimonialiter copulari. Sed quia tertio et tertio consanguinitatis gradibus invicem sunt conjuncti huoi eorum desiderium adimplere nequeunt dispensatione super hoc Aplica non obtenta. Quare pro parte Simonis et Anne predictorum nobis fuit humiliter supplicatum ut eis super hoc de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur huoi supplicaonibus inclinati fraternitati tue de qua pro hiis et aliis specialem in Domino fiduciam obtenimus per Aplica scripta comittimus et mandamus quatenus si est ita dictaq. Anna propter hoc rapta non fuerit cum eisdem Simone et Anna ut impedimento quod ex consanguinitate huoi provenit non obstante matrimonium invicem libere contrahere et in eo postquam contractum fuerit licite remanere valeant Apostolica auctoritate dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctos Apostolos quintodecimo kalendas Septembris anno decimo.

Ja. de Cerretanis XX.

Reg^a libro decimo anni decimi Pontus felicitis Recordationis MARTINI, Pape quinta, pagina 269.

DISPENSATIO Matrimonialis **ROBERTO STEWART**
DE ATOLIA Domicello et Nobili Mulieri **MARGARITE**
DE OGELBY Domicelle, Diecesis Duncheldensis et
S. Andree.

S. DE SAUELLIS.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo
Dunchelden Salutem et Aplicam Benedictionem. Oblate nobis nuper
pro parte dilecti filii Roberti Stewart de Atolia Domicelli et dilecte in Xpto
filie nobilis mulieris Margarite de Ogelby Domicelle Sancti Andree et tue
diecesis petitionis series continebat quod ipsi Robertus et Margaritha ad
conservandam amicitiam et concordiam inter eorum parentes consanguineos
et amicos desiderant invicem matrimonialiter copulari. Sed pro eo quod
tertio consanguinitatis gradu invicem sunt conjuncti hujusmodi eorum de-
siderium adimplere nequeunt dispensatione Apostolica super hoc non obtenta.
Quare pro parte dictorum Roberti et Margarithe nobis fuit humiliter sup-
plicatum ut super hoc eis de oportune dispensationis gratia providere de
benignitate Aplica dignaremur. Nos igitur ex premissis et aliis certis nobis
expositis causis huoi supplicationibus inclinati fraternitati tue de qua in hiis
et aliis specialem in Domino fiduciam obtinemus per Aplica scripta comit-
timus et mandamus quatenus si est ita dictaque Margarita propter hoc
rapta non fuerit cum eisdem Roberto et Margarita ut impedimento quod
ex huoi consanguinitate provenit non obstante matrimonium inter se libere
contrahere et in eo postquam contractum fuerit remanere libere valeant
aucte dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam
nunciando. Datum Rome apud Sanctos Apostolos quarto kalendas Fe-
bruarii anno duodecimo.

Martinus V.
anno 12.
iv kal. Fe-
bruarii.

1429.

P. X.X.V. de Casatiis.

Reg^a libro primo anni tertii decimi Pontificatus felicitis
Recordationis MARTINI, P. P. quinti, pag^a 142.

DISPENSATIO DAVID HIREDI Laici et MARGARITE
DE GORDON, Diecesis Glasguen.

BERTOLDUS.

Martinus V.
anno 130.
3 kal.
Januarii.

1430.

MARTINUS Episcopus, Servos Servorum Dei, Veneli Fratri Episcopo Glasguen. Salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii David Hiredi laici et dilecte in Xpto filie Margarite de Gordon mulieris tue diecesis petitionis series continebat quod ipsi ad sedandum dissensiones et odia inter eorum parentes consanguineos et amicos exorta et confovendum illos in benevolentia et amore ac ex certis aliis rationabilibus causis desiderant invicem matrimonialiter copulari. Sed quia ab uno secundo et ab alio lateribus tertio consanguinitatibus gradibus invicem sunt conjuncti Ipseque David dilectam in Xpto filiam Elisabet de Haliberton mulierem dicte diecesis pte Margarite tertio et quarto consanguinitatis gradibus conjunctam pluries fornicatio actu cognovit David et Margarita pti huoi eorum desiderium adimplere nequeunt dispensatione super hoc Aplica non obtenta. Quare pro parte David et Margarithe ptorum nobis fuit humiliter supplicatum ut super hoc eis de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur ex premissis et certis aliis causis nobis expositis huoi supplicaonibus inclinati fraternitati tue de qua in iis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta comittimus et mandamus quatenus si est ita et ex hoc in partibus illis scandalum non resultet dictaque Margarita propter hoc rapta non fuerit cum eisdem David et Margarita ut impedimento quod ex premissis provenit non obstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit licite remanere valeant salutari penitentia ipsi David occasione fornicationis hujusmodi primitus injuncta auctoritate nostra dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctos Apostolos tertio kalendas Januarii anno tertio decimo.

Antonius X. X. de Adria.

Reg^a libro sexto anni tertii decimi Pontus felicitis Recor-
dationis MARTINI, Pape quinti, pagina 126.

DISPENSATIO WILLIELMI MUNGUBRI et HELENE
SYMPILL, Glasguen. Diecesis.

P. DE MONTELLA.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo
Glasguen. Salutem Aplicam Benedem. Oblate nobis nuper pro parte
Willelmi Mungubri et Helene Sympill mulieris tue diecesis petitionis series
continebat quod olim ipsi non ignorantes se tertio gradu affinitatis fore con-
iunctos et quod dilectus filius Vinfridus dicti Willielmi natus cum dictis
Helena matrimonium per verba de futuro contraxerat licet ex certis causis
matrimonium huoi nullum fuisse aucte ordinaria sententialiter declaratum
foret matrimonium inter se per verba legitime de presenti contraxerunt illud-
que carnali copula consumarunt et prolem ex inde procrearunt. Cum autem
sicut eadem petitio subungebat pti Willelmus et Helena in huoi matrimonio
inter eos ut prefertur contracto remanere nequeant dispensatione Aplica
super hoc non obtenta; Et si divortium fieret inter eos dissensiones et scan-
dala gravia inter eorum consanguineos et amicos possent verisimilr exoriri
pro parte ipsorum Willielmi et Helene nobis fuit humiliter supplicatum ut
eos a sententia excommunicationis quam propterea incurrerunt absolvere
et cum eis ut in huoi matrimonio remanere valeant dispensare de benigni-
tate Aplica dignaremur. Nos igitur qui inter Xpti fideles libenter quietis com-
moda procuramus et huoi dissensionibus rixis et scandalis quantum possumus
obviamus et ne propter hoc dicta Helena diffamata remaneant providere
volentes fraternitati tue per Aplica scripta comittimus et mandamus qua-
tenus eosdem Willelmum et Helenam a dicta excommunicationis sententia
quam propter premissa incurrisse noscuntur auctoritate nostra absolvas in
forma ecclesie consueta injunctis eis quod de cetero talia non comittent neque
comittentibus prestabunt auxilium, consilium vel favorem et pro modo culpe
penitentia salutari et aliis que fuerint injungenda. Et insuper ipsis Willelmo
et Helene per te ad tempus de quo tibi videbitur ad invicem separatis cum
eis si est ita ut in matrimonio huoi premissis non obstantibus remanere libere
et licite valeant dummodo ipsa Helena propter hoc rapta non fuerit aucto-
ritate nostra dispenses. Prolem susceptam huoi et ex huoi matrimonio
suscipiendam legitimam decernendo. Datum Rome apud Sanctos Apostolos
kalendis Februarii anno tertio decimo.

Martinus V.
anno 13^o kal.
Februarii.

1430.

Pe. X.X.V. de Casatiis.

Reg^o libro sexto anni tertii decimi Pontus felicitis Recor-
dationis MARTINI, Pape quinti, pag^a 199.

DISPENSATIO Matrimonialis WILLELMO DE WIDEN-
BORNE et CATHARINE DE STAME, Diocesis S. Andree.

L. FARSCOPIUS.

Eugenius IV.
anno 39.
3 kal. Maii.

1431.

EUGENIUS Epus, Servus Servorum Dei. Veneli Fratri Episcopo S^u Andree Salutem et Ap^licam Benedem. Oblate nobis nuper pro parte Willelmi de Widenborne et Catharine de Stame mulieris tue diecesis petitionis series continebat quod olim ipsi non ignorantes se tertio affinitatis gradu invicem fore conjunctos matrimonium contraxerunt inter se per verba de presenti illudque carnali copula consumarunt. Prole exinde procreata cum autem Willelmus et Catharina predicti in huoi matrimonio licite remanere nequeant dispensatione super hoc Ap^lica non obtenta, et sicut eadem petitio subjungebat si divortium fieret inter eos gravia exinde inter eorum consanguineos et affines scandala necnon dissensiones et inimicitie verisiliter exoriri ipsaque Catharina remaneret perpetuo diffamata pro parte ipsorum Willelmi et Catherine nobis fuit humiliter supplicatum ut eis super hoc de absolutionis beneficio ab excomnis sententia quam ppter premissa incurrisse noscuntur et oportune dispensationis gratia providere de benignitate Ap^lica dignaremur. Nos igr qui salutem singulorum et inter Xpti fideles libenter quietis commoda procuramus et eorum scandalis obviamus ex premissis et aliis causis nobis expositis huoi supplnbus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Ap^lica scripta mandamus quatenus si est ita eisdem Willelmum et Catharinam si hoc humiliter petierint ab huoi excomnis sententia quam propter premissa incurrerunt ut prefertur auctoritate nostra hac vice dumtaxat absolvas in forma ecclesie consueta injunctis eis inter alia sub virtute juramenti per eos prestandi quod de cetero similia non committent nec ea facientibus prestabunt auxilium consilium vel favorem ac pro modo culpe penitentia salutari et aliis quæ de jure fuerint injungenda. Et demum si tibi expediens videbitur quod dicta dispensatio fiat dictaque Catharina propter hoc rapta non fuerit cum eisdem Willelmo et Catherine ipsis tunc prius ad tempus de quo tibi videbitur ab invicem separatis ut impedimento quod ex premissis provenit nonobstante marimonium inter se de novo libere contrahere et in eo postquam contractum fuerit remanere licite valeant eadem auctoritate dispenses susceptam et ex huoi matrimonio suscipiendam. Prolem legitimam decernendo. Datum Rome apud Sanctum Petrum anno Incarnationis Dominice

Dominice millesimo quadringentesimo trigesimo primo, tertio kalendas Maii anno primo.

An. X. VJ. de Adria.

Reg^a libro primo anni primi felicis Recordationis EUGENII,
P. P. quarti Pontificatus, pagina 23.

DISPENSATIO JOANNI SCOT et HAWISE TURNBULLE,
Diecefis Glasguensis.

JO. DE CRIVELLIS.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedicem. Oblate nobis nuper pro parte dilecti filii Joannis Scot Laici et dilecte in Xpto filie Hawisse Turnbulle mulieris tue diecesis petitionis series continebat quod cum olim ipsi non ignorantes se tertio et tertio consanguinitatis gradibus fore conjunctos matrimonium inter se per verba legitime de presenti licet de facto contraxissent et prolem deinde invicem procreassent divortii sententia inter eos auctoritate tue ordinaria lata extitit ipsique Joannes et Hawissa ab excommunicationis sententia quam propter contractum ipsum incurrerant eadem auctoritate absoluti fuerunt. Cum autem sicut eadem petitio subjungebat ipsi ut preteritam infamiam abstergant et inter eorum parentes ac consanguineos et amicos charitas et amor roborentur et dicta proles illegitimitatis nota non obfuscetur desiderent invicem matrimonialiter copulari desideriumque huoi adimplere nequeant dispensatione super hoc Apostolica non obtenta pro parte ipsorum Joannis et Hawisse nobis fuit humilr supplicatum ut providere eis super hoc de opne dispnis gratia dignaremur. Nos igr ex premissis et certis aliis causis nobis expositis huoi supplicaonibus inclinati fraternitati tue per Aplica scripta mandamus quous si est ita dtaque Hawissa propter hoc rapta non fuerit, cum eisdem Joanne et Hawissa ut impedimentis que ex huoi consanguinitatis gradibus proveniunt nonobstantibus matrimonium inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant Apostolica dispenses. Prolem susceptam antedictam et ex huoi matrimonio suscipiendam legitimam decernendo. Datum Rome apud Sanctum Petrum anno Incarnationis Dominice

Eugenius IV.
anno 29. 7 kal
Junii.

1432.

Dominice millesimo quadringentesimo trigesimo secundo, septimo kalendas Junii anno secundo.

M. XXIJ. de Adria.

Registra libro nono anni secundi Pontificatus felicitis Recordationis EUGENII, P. P. quarti, pag. 98.

DISPENSATIO Nobili Viro GEORGIO DE SETON
Militi, et Nobili Mulieri MARGARITE STEWART,
Diecesis Candidæ Casæ et S. Andree.

JA. LUJER.

Eugenius IV.
anno 6to
6 idus. Janu-
arii.

1436.

EUGENIUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo
Candide Casæ Salutem et Aplicam Benedictionem. Oblate nobis nuper
pro parte dilecti filii nobilis viri Georgii Seton Militis et nobilis mulieris
Margarite Stewart tue et Sancti Andree diecesis petitionis series continebat
quod ipsi non ignorante se duplici tertio gradu consanguinitatis esse conjunctos
matrimonium inter se per verba de presenti legeme contraxerunt et carnali
copula consumarunt. Cum autem ipsi obstante impedimento quod ex con-
sanguinitatis gradu huoi provenit in dicto matrimonio remanere nequeant
dispensatione Aplica super hoc non obtenta et si divortium fierit inter ipsos
gravia possent inter eorum consanguineos amicos scandala verisimiliter exoriri.
dictaque Margarita diffamata perpetuo remaneret. Quare pro parte Georgii
et Margarite ptorum nobis fuit humilr suppltum ut eis super hoc de absolu-
tionis beneficio ab excommunicacionis sententia quam propterea incurrisse
noscentur ac alias de oportune dispensationis gratia providere de benignitate
Aplica dignaremur. Nos igitur ex premissis et aliis nobis expositis causis
huoi supplnbus inclinati fraternitati tue de qua in iis et aliis specialem in
Domino fiduciam obtinemus per Aplica scripta comittimus et mandamus
qnus eosdem Georgium et Margaritam si hoc humiliter petierint a sententia
excommunicacionis huoi hac vice dumtaxat aucte nra absolvas in forma
ecclesiæ consueta injunctis eis inter alia sub virtute juramenti per ipsos
prestandi quod de cetero similia non comittent nec ea comittentibus
prestabunt auxilium consilium vel favorem ac pro modo culpe peniten-
tia saluari et aliis que de jure fuerint injungenda. Et demum si tibi
expediens

expediens videbitur quod huoi dispensatio fiat ipsaque Margaritha propter hoc rapta non fuerit cum eisdem Georgio et Margarita ipsis tamen prius ad tempus de quo tibi videbitur ad invicem separatis ut impedimento huoi non obstante matrimonium inter se de novo contrahere et in eo postquam contractum fuerit remanere libere et licite valeant eadem auctoritate dispenses. Prolem exinde suscipiendam legitimam nunciando. Datum Bononie anno Incarnationis Dominice millesimo quadringentesimo trigesimo sexto, sexto idus Januarii anno sexto.

B. X. X. X. Valverius.

Reg^{ta} libro quinto anni sexti Pontificatus felicitis Recordationis EUGENII, Pape quarti, pag. 121.

DISPENSATIO JACOBO DE AMYLTON, Militi, et
JONETÆ MAXWELLE Domicellæ, Diecesis Glasguen.

JA. PETRI.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedictionem. Oblate nobis nuper pro parte dilecti filij Jacobi de Amylton Militis et dilecte in Xpto filie Jonete Maxwelle Domicelle tue diecesis petitionis series continebat quod ipsi ad conservandum inter eorum parentes et amicos benevolentiam et amorem cupiunt invicem matrimonialiter copulari. Sed quia dictus Jacobus quamdam mulierem eidem Jonete in duplici tertio consanguinitatis gradu conjunctam actu fornicario carnaliter cognovit hujusmodi eorum desiderium adimplere non possunt dispensatione Aplica de super non obtenta. Quare pro parte dictorum Jacobi et Jonete nobis fuit humiliter supplicatum ut super hoc eis de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur ex premissis et aliis nobis expositis causis huoi supplicationibus inclinati maternitati tue de qua in iis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta committimus et mandamus quatenus si est ita dictaque Joneta propter hoc rapta non fuerit injuncta prius ipsi Jacobo occasione actus premissi penitentiae competenti cum eisdem Jacobo et Joneta ut impedimento quod ex premissis provenit non obstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit licite remanere valeant auctoritate Apostolica dispenses.

Eugenius IV.
anno 9^o
Pridie kal.
Aug^{ti}.

1439.

penfes. Prolem ex huoi matrimonio suscipiendam legitimam nunciando.
Datum Florentie anno Incarnationis Dominice millesimo quadringentesimo
trigesimo nono Pridie kalendas Augusti anno nono.

Ant: XX. de Adria.

Regit libro primo anni noni Pontus felicit Recordationis
Eugenij, Pape quarti, pagina 166.

**DISPENSATIO Nobili Viro Filio JACOBI DE AMILTON
DE CADZOU Domicelli de Baronum, et Nobili Mulieri
EUPHEMIE Domicelle DE COMING, Dunblanen. et
Glasguen. Diecesis.**

B. DE FLORENTIA.

Eugenius IV.
anno 10^o.
5 kal. Martii.

1440.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo
Dunblanen. Salutem et Apostolicam Benedem. Oblate nobis nuper pro
parte dilecti filii nobilis viri Jacobi de Amilton de Cadzou Domicelli de Ba-
ronum et dilecti in Xpto filie nobilis mulieris Euphemie Domicelle de Comitum
Generibus procreatorum Glasguen. dioc. petitionis series continebat quod
ipsi de comuni ipsorum parentum consanguineorum et amicorum voluntate
et consensu necnon pro subditorum suorum hinc inde conforendis firman-
disque per amplius pacis et concordie nexibus et ex certis aliis rationabilibus
causis desiderant invicem matrimr copulari. Cum autem ipsi Jacobus et
Euphemia pro eo quod Jacobus ptus quamdam mulierem eidem Euphemie
duplici secundo consanguinitatis attinentem pluries actu fornicario cognoverit
necnon cum quadam alia muliere que etiam dicte Euphemie in triplici secundo
et simplici tertio consanguinitatis gradibus ex diversis lateribus provenientibus
conjuncta est sponsalia carnali tamen copula non sequuta contraxit huoi
eorum desiderium adimplere nequeant dispensatione super hoc Aplca non
obtenta pro parte Jacobi asserentis quod dudum ipse et dta alia mulier utri-
usque eorum ad id accedente consensu a sponsalibus huoi per quamdam
diffinitivam in partibus illis latam sententiam liberati et absoluti fuere ac
Euphemie predictorum nobis fuit humlr supplicatum ut eisdem Jacobo et
Euphemie de opne dispensationis gratia ac alias super hiis providere de be-
nignitate Aplca dignaremur. Nos igr qui pacem et salutem singulorum
querimus ex premissis et aliis nobis expositis causis huoi supplicaonibus
inclinati

inclinati fraternitati tue cum venis frater noster Joannes Epus Glasguen. cui in hoc casu scribendum esset ad presens a sua diecesi Glasguen. absens exit per Aplica scripta committimus et mandamus quous si est ita dictaque Euphemia propter hoc rapta non fuerit cum eisdem Jacobo et Euphemia prius tamen dicto Jacobo pro incestu et excessibus huoi equa et congrua de qua tibi videbitur penitentia imposita ut impedimentis que ex pmissis proveniunt non obstantibus matrum inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant Aplica auctoritate dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Florentiae anno Incarnationis Dominice millesimo quadringentesimo quadragésimo quinto kalendas Martii anno decimo.

B. XXXVI. Valverius.

Registrata libro nono anni decimi Pontificatus felicitis Record. EUGENII, P. P. quarti, pa. 206.

DISPENSATIO Nobili Viro JACOBO DOUGLAS Domicello, et Nobili Mulieri ELISABETH STEWART Domicelle, Diecesis S. Andree.

C. DE ELTEN.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Sancti Andree Salutem et Apostolicam Benedem. Oblate nobis nuper pro parte dilecti filii nobilis viri Jacobi Douglas Domicelli et dilecte in Xpto filie nobilis mulieris Elisabeth Stewart Domicelle tue diecesis petitionis series continebat quod ipsi pro continuandis pacis et amicitie, nexibus que inter eorum parentes consanguineos et affines retroactis temporibus viguerunt invicem matrimonialiter copulari desiderant. Sed quia Jacobus tertio et Elisabeth prefati secundo consanguinitatis gradibus invicem se attingunt huoi eorum desiderium adimplere nequeant dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Jacobi et Elisabeth nobis fuit humilr supplicatum ut eis super hoc de opne dispensationis gratia providere de benignitate Apostolica dignaremur. Nos igitur qui Xpti fidelibus pacis commoda libenter procuramus ex premissis et certis aliis nobis expositis causis auoi supplicationibus inclinati fraternitati tue de qua in huius et aliis specialem in Domino fiduciam obtinemus

Eugenius IV.
anno 100.
4 idus
Octobris.

1440.

per Apostolica scripta committimus et mandamus quous si est ita dictaque Elisabeth propter hoc rapta non fuerit cum eisdem Jacobo et Elisabeth ut impedimento quod ex consanguinitate huoi provenit nonobstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant auctoritate Apostolica dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Florentie anno Incarnationis Dominice millesimo quadringentesimo quadregesimo, quarto idus Octobris anno decimo.

An. XX. de Adria.

Registrata libro tertio anni decimi Pontificatus felicitis Record.

EUGENII, P. P. quarti, pag^a 255.

DISPENSATIO Nobili Viro JACOBO STEWART Domicello et Nobili Mulieri ELIZABETH BOYD Domicelle, Diecesis Sodorenfis et Glasguensis.

FRANCONIUS.

Eugenius IV.
anno 12^o.
3 kal. Febr.
1442.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apcam Benedictionem. Oblate nobis nuper pro parte dilecti filii Jacobi Stewart Domicelli et dilecte in Xpto filie nobilis mulieris Elisabeth Boyd domicelle Sodoren. et tue diecesis petitionis series continebat quod ipsi qui secundo et quarto consanguinitatis gradibus invicem conjuncti sunt ut inter eorum parentes affines et amicos pax concordiaque ferventur et ex certis rationabilibus causis desiderant invicem matrimonia. liter copulari. Cum autem ipsi obsistente quod ex dicta consanguinitate provenit impedimento desiderium eorum adimplere nequeant dispensatione super hoc Apostolica non obtenta. Pro parte ipsorum Jacobi et Elisabeth nobis fuit humr supplicatum ut eis super hiis de oportune dispensationis gratia providere de benignitate Apca dignaremur. Nos igitur hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apca scripta comittimus et mandamus quatenus si est ita dictaque Elisabeth propter hoc rapta non fuerit cum Jacobo et Elisabeth predictis ut impedimento hujusmodi nonobstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant

valeant auctoritate Apostolica dispenses. Prolem ex ipso matrimonio suscipiendam legitimam nunciando. Datum Florentie anno Incarnationis Domini millesimo quadringentesimo quadragesimo secundo tertio kalendas Februarii anno duodecimo.

M. XXXVJ. de Adria.

Reg^a libro primo anni XIJ. fel. Rec. EUGENII, Pape quarti Pontus, pagina 47.

DISPENSATIO Nobili Viro WILLELMO Comiti de DOUGLAS et Nobili Mulieri MARGARITHE de DOUGLAS Domicelle Diecesis Glasguensis.

JO. DE TOSILON.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedicem. Oblate nobis pro parte dilecti filii nobilis viri Wilhelmi Comitis de Duglas et dilecte in Xpto filie nobilis mulieris Margarithe de Duglas Domicelle tue diecesis petitionis series continebat quod ipsi qui ut asserunt de majorum nobilium et baronum regni Scotie procreati existunt ut inter eorum parentes et affines ac amicos pacis et amicitie federa serventur desiderant invicem matrimonialiter copulari. Sed quia secundo et tertio consanguinitatis gradibus insimul sunt conjuncti huoi eorum desiderium adimplere nequeunt dispensatione Apostolica super hoc non obtenta. Quare pro parte Wilhelmi et Margarithe ptorum nobis fuit humiliter supplicatum ut eis super hoc de opne dispensationis gratia providere de benignitate Apostolica dignaremur. Nos igitur qui inter fideles libentur pacis et amicitie commoda vigere cupimus ex premissis et certis aliis nobis expositis causis huoi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta comittimus et mandamus quous si est ita dictaque Margaritha propter hoc rapta non fuerit cum eisdem Wilhelmo et Margaritha ut impedimento quod ex consanguinitate huoi provenit nonobstante matrimonium inter se contrahere illudque in facie ecclesie juxta morem solemnizare et in eo postquam contractum et solemnizatum fuerit ut prefertur remanere libere et licite valeant auctoritate Apostolica dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando.

Eugenius IV.
anno 14^o
9 kal. Augusti.

1444

Datum Rome apud Sanctum Petrum anno Incarnationis Dominice millesimo quadringentesimo quadragesimo quarto, nono kalendas Augusti anno quarto decimo.

An. XXX. de Adria.

Registra libro septimo anni quarti decimi Pontificatus felicitis

Record. EUGENII, P. P. quarti, pag^a 236.

The preceding are all the Dispensations of which I received authenticated Copies from the Office of the *Dataria*; for having found that the charges of searching for and obtaining Official Copies of Papers in that Office were pretty considerable, and the Dispensations being of no other use to me than that of gratifying curiosity, I considered the nineteen thus obtained as sufficient for that purpose.

It may be necessary to observe, that the Dispensations both from the Vatican and from the *Dataria*, are printed literally according to the Official Copies of them, without any alteration or correction of the orthography, which in some instances appears to be inaccurate; as also that all those from the *Dataria* were authenticated in the same manner as the first here printed.

THE END.

SUPPLEMENT

TO THE

Genealogical History of *The Stewarts,*

WITH

CORRECTIONS AND ADDITIONS:

AND CONTAINING

ANSWERS to an Anonymous Attack on that History, published at
Edinburgh in February 1799, under the Title of "*The Genealogical
History of the Stewarts refuted.*"

By ANDREW STUART, Esq. M. P.

L O N D O N:

PRINTED FOR T. CADELL JUN. AND W. DAVIES, IN THE STRAND.

1799,

100: Banks

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CORRECTIONS AND ADDITIONS,

MADE IN THE MONTH OF JUNE 1799,

AS A

S U P P L E M E N T

TO THE

GENEALOGICAL HISTORY OF THE STEWARTS.

PAGE 51, last line, at the end of the quotation from Symson, add the following note:

From the manner in which Symson has expressed himself, it is evident that his only authority for supposing that Sir John Stewart of Bonkyl had Sir Hugh and Sir Robert for his 6th and 7th sons, was a passage in Holinshed's Chronicle of Ireland, anno 1318. But on looking at the passage referred to, it appears that it relates to Sir Hugh and Sir Robert Lacey, not to Sir Hugh and Sir Robert Stewarts. — Vide Holinshed's Chronicle, anno 1318, and the following note.

Page 61, after line 17, add the following note:

This is the passage in Holinshed's Chronicle from which Symson had very inaccurately imagined that the names of Sir Walter, Sir Hugh and Sir Robert, mentioned immediately after the words "*Lord Alan Stewart*" "*with his three brethren,*" were meant to describe the names of these three brethren of Sir Alan Stewart; but on reading the whole of the paragraph it will appear that this was a gross mistake on the part of Symson; for what

B

Holinshed

Holinshed meant to say with regard to Sir Alan Stewart and his family, ends with the words "*his three brethren*;" he did not pretend to give a name to any of these three brothers: and the next sentence beginning thus, "*Sir Walter and Sir Hugh, Sir Robert and Sir Amery*," relates, in the most clear and precise manner, to persons of the name of Lacey. If it were possible to entertain any doubt of this being the meaning of the passage in Holinshed, that doubt would speedily be dispelled by looking at the Annals of Ireland published by Camden, and subjoined to his Britannia. These Annals, in relating the events of the years 1317 and 1318, make frequent mention of the persons of the name of Lacey; particularly there are the following articles:

" On the Thursday next before the feast of St. Margaret, [1317,]
 " Hugh and Walter Laceys were proclaimed felons and traitors to
 " their king, for breaking out into war against his Majesty."

" Item, on Saturday, which happened to be the feast of Pope Calixtus,
 " [1318,] a battle was fought between the Scots and English of Ireland,
 " two leagues from Dundalk; on the Scots side there were Edward Lord
 " Brus, who named himself King of Ireland, Philip Lord Moubray, Walter
 " Lord Sules, *Alan Lord Stuart with his three brethren*; as also, Sir Walter
 " Lacey, and Sir Robert and Aumar Lacey, John Kermerdyne and Walter
 " White, with about 3000 others. Against whom, on the English side,
 " there were the Lord John Bermingham, Sir Richard Tuit, Sir Miles
 " Verdon, Sir Hugh Tripton, Sir Herbert Sutton, Sir John Cufak, Sir
 " Edward and Sir William Bermingham, and the Primate of Armagh, who
 " gave them absolution; besides, Sir Walter Larpulk and John Maupas,
 " with about 20 more choice soldiers and well armed, who came from
 " Drogheda. The English gave the onset, and broke into the van of the
 " enemy with great vigour; and in this encounter the said John Maupas
 " killed Edward Lord Brus valiantly, and was afterwards found slain upon
 " the body of his enemy. The slain, on the Scots side, amounted to
 " 2000 or thereabouts; so that few of them escaped besides Philip Lord
 " Moubray, who was also mortally wounded, and Sir Hugh Lacey, Sir
 " Walter Lacey, and some few more with them, who, with much ado,
 " got off."

In

In transcribing the above passage from the Annals of Ireland, the sentences and punctuation are literally copied. There cannot be a doubt that it relates to the same persons as those mentioned in the quotation from Holinshed; neither can there be a doubt that the names of Sir Walter, Sir Hugh, Sir Robert and Sir Amery, had nothing to do with Lord Alan Stewart and his three brethren; but that they relate all of them to persons of the name of Lacey. It is believed that Holinshed in composing his Chronicle of Ireland made use of these annals: at any rate, the similar account given in both concerning the Laceys, establishes the meaning of the paragraphs beyond the reach of dispute.

The result upon the whole is this,—that there is no authority whatever for supposing that Sir John Stewart of Bonkyl ever had two sons of the names of Hugh and Robert; for the first introduction of these sons into the pedigree of the Bonkyl family, took rise from a mistaken interpretation by Symson of a paragraph in Holinshed. No historian or genealogical writer before Symson, so far as I have been able to discover, ever mentioned these two sons; and those who have since mentioned them have done it with a reference only to his authority.

It is further to be remarked that Symson himself seemed to doubt of the reality or existence of these two sons, Hugh and Robert; for the only article concerning them in his book is in these words: “6th and 7th sons, Sir Hugh and Sir Robert, mentioned by Holinshed in his Chronicle of Ireland, anno 1318.”—then Symson adds, “*whose then existence I am not to defend.*”—This plainly shews that he disbelieved it.

Page 199, after line 12, add:

In Camden's Britannia, page 919, of Gibson's edition, there is the following article concerning Bernard Stuart. “Of the line of the Lords of Aubigny in France there was Bernard or Everard, under Charles the 8th, and Lewis the 12th, transmitted to posterity by Paulus Jovius, with much commendation for his valiant performances in the war of Naples. He was a most faithful companion of Henry 7th, when he came for England; and used for his device a lion between buckles, with the motto “*Distantia jungit*,” because by his means the kingdoms of France

“ and Scotland so far distant were joined together by a strict league of
“ friendship.”

Page 206, line first, add the following note :

There is reason to believe, that the two persons here referred to as kinsmen of Bernard Stuart, were his cousins Robert Stuart, afterwards Maréchal of France, and John Duke of Albany, afterwards Regent of Scotland ; both of whom served under Bernard Stuart in the wars in Italy.

Page 290, end of line 3 from the bottom, add the following note :

Sallust (Cap. 4. Bellum Jugurthinum) observes, that the Fabii, the Seipios, and other great men of the Republic, declared that nothing elevated their minds more to virtue than the sight of the portraits of their ancestors ; for these recalled to their memory the great actions they had performed, and inflamed their breasts with the love of glory, which nothing could extinguish till they had equalled the justly acquired honours of their forefathers.

Mr. Lumisden, in his remarks on the Antiquities of Rome, (a work which, from the classical knowledge it contains, as well as from the author's knowledge of Antiquities, is well qualified to afford both instruction and entertainment as to the manners and taste of the Romans,) observes, “ that
“ it was in the atrium of their houses that the Romans who had acquired the
“ jus imaginis, which was the same with the jus nobilitatis, placed their
“ own and their predecessors images that they might be seen by the
“ people.”

A D D I T I O N S.

THE following Additions have been judged proper, in consequence of a Book or Pamphlet which has lately been published, intitled "The Genealogy of the Stewarts Refuted, in a Letter to Andrew Stuart Esq. M. P." This work consists of 169 pages, bears the date of London, 1st February 1799, and appears to have been printed at Edinburgh, but the name of the Author has been concealed.

It is very generally allowed, that anonymous publications, and especially those which contain direct or indirect attacks on Individuals, are not only degrading to the nameless Authors when detected, but are little deserving of an answer, and are not entitled to any credit from the public.

But there are reasons which render it proper to take some notice of that publication in these Additions.

I shall pass over at present, the style and temper of the work in question, and shall, in the first place, endeavour to clear up any doubts that may be entertained concerning the pretensions of the Earl of Galloway, which the Anonymous Author seems inclined to support, resting, as he does, on the reasonings of Mr. Williams, on whom he has lavished considerable praise.

Mr. Williams communicated to me, above four years ago, several long and elaborate papers made out by him, on the subject of Lord Galloway's claim; which papers both Lord Galloway and Mr. Williams wished me to consider, and to make them acquainted with my opinion upon them. After I had read them attentively, I submitted to the labour and fatigue of correcting his erroneous statements, and of disproving his conjectures and false reasonings; and I communicated my observations to Mr. Williams himself, with permission to take a copy for Lord Galloway's use and his own; which I have no doubt he did.

It is evident that the Author in question has been furnished with Mr. Williams' papers ; but whether or not my observations upon them were also communicated, it is impossible for me to say ; if they were, the work in question will be exposed to the greater censure. I certainly expected that I should have heard no more of the works of Mr. Williams, unless by his making a fair acknowledgment that he was convinced of his errors. — As, he has not done so, and as his facts and arguments are again brought forward from another quarter, and with an air of triumph, I think it right to give now, as an addition to the Genealogical History, an exact copy of my Observations made out in 1794, and communicated to Mr. Williams in November of that year.

OBSERVATIONS upon the Papers drawn up by Mr. Williams on the behalf of the Earl of Galloway.

SINCE the month of February last 1794, Mr. Williams has drawn up four several Papers in support of the Earl of Galloway's claim, for proving that he is, after the death of Cardinal York, the nearest heir male descended from the Stewarts of Derneley and Lennox, and of course the nearest heir male from the Ancient High Stewarts of Scotland.

The Papers thus drawn up by Mr. Williams are under the following Titles :

1. Notes on the State of the Evidence respecting the Stuarts of Castlemilk : 32 pages.
2. An impartial Examination of the different Accounts given of Sir William Stewart of Jedworth and Sir William Stuart of Castlemilk : 52 pages.
3. A view of the Evidence adduced for proving that the present Earl of Galloway is the Lineal Heir Male and Representative of Sir William Stewart of Jedworth, who lived near the Conclusion of the 14th and the Beginning of the 15th Century : 29 pages.

4. Extracts

4. Extracts from Ancient Charters, Authentic Records and Cotemporary Historians, tending to elucidate the most remarkable Events in the Life of Sir William Stewart of Jedworth : 90 pages.

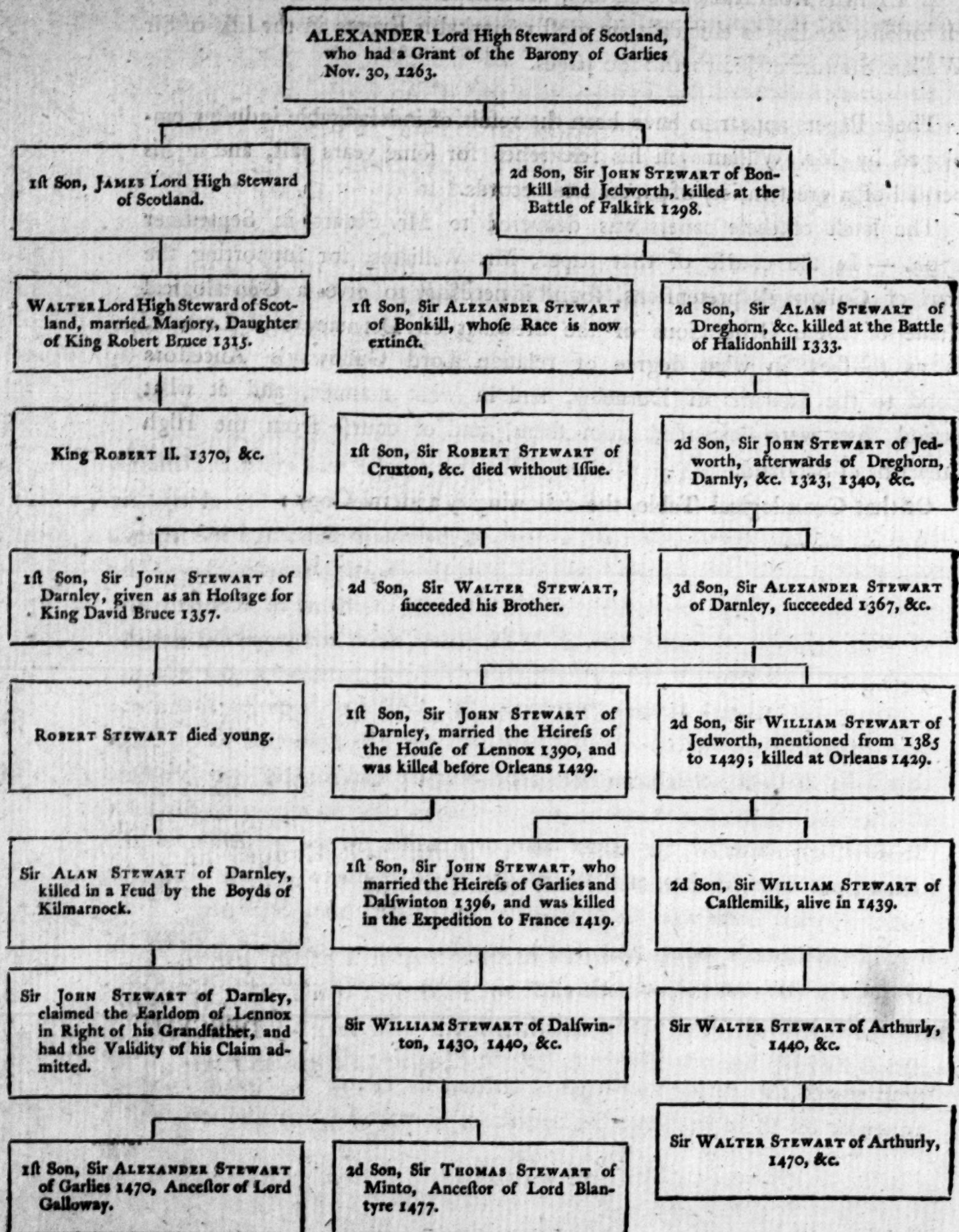
These Papers appear to have been the result of indefatigable industry employed by Mr. Williams in his researches for some years past, and in his perusal of a great variety of papers and records.

The latest of these papers was delivered to Mr. Stuart in September 1794. — In the course of that paper, Mr. Williams, for supporting the Earl of Galloway's pretensions, found it necessary to give a Genealogical Table of some Generations of the Stewarts of Derneley and Lennox, so as to shew in what degree of relation Lord Galloway's Ancestors stood to the Stewarts of Derneley, and in what manner, and at what period they were descended from them, and of course from the High Stewards of Scotland.

Of that Genealogical Table, the following is a literal Copy :

DESCENT

DESCENT of the FAMILY of DARNLEY, &c.



There is no hesitation in admitting, that if this genealogical table drawn up by Mr. Williams is perfectly accurate, and capable of being supported by proofs, the Earl of Galloway must be the undoubted heir male of the Stewarts of Derneley and Lennox, and likewise of the High Stewarts of Scotland : but it could serve no purpose to admit facts which will not stand the test of examination, and which every person who has investigated the history of these families, or who may be disposed to do so at any future time, would find himself obliged to reject, as founded in error, or proceeding from conjectural reasonings, in opposition to established facts.

The first seven articles in Mr. Williams's genealogical table, beginning with Alexander the High Stewart, anno 1263, and ending with Sir Alan Stewart of Dreghorn, anno 1333, are perfectly right ; but every article from that period downwards is erroneous, or at least by far the greatest part of them are so.

To begin from Sir Alan Stewart of Dreghorn, who was killed at Halidon-hill, in 1333 : Mr. Williams states that he had two sons ; the eldest, Sir Robert Stewart of Crupton, said to have died without issue ; and the second, Sir John Stewart of Jedworth, afterwards of Dreghorn, Derneley, &c. The fact is, that Sir Alan Stewart never had a son of the name of Robert ; and that his only son, Sir John Stewart of Derneley, never at any period was designed of Jedworth.

To proceed to the next generation.—Mr. Williams supposes that there was a second Sir John Stewart of Derneley, who was grandson to Sir Alan Stewart ; and that this second Sir John Stewart had for his two brothers Walter and Alexander Stewart : but the fact is, that there was no Sir John Stewart, grandson of Sir Alan, who ever came to the possession of the estate ; but that Walter and Alexander were brothers of the first Sir John Stewart, who was the immediate son of Sir Alan Stewart.

Mr. Williams's next supposition is, that Sir Alexander Stewart of Derneley, the youngest of the three brothers, succeeded in the year 1367, upon the death of his two elder brothers without issue ; and that this Sir Alexander Stewart was the immediate father of Sir John Stewart of Derneley, who was killed during the siege of Orleans in 1429 : but this is quite erroneous, for there were two Sir Alexander Stewarts, father and son, and it

was the last of these Alexander Stewarts who married Janet Keith; and of that marriage descended Sir John Stewart of Derneley who was killed in the year 1429, during the siege of Orleans, and likewise his brother Sir William Stewart who was killed in the same battle.

The next fact assumed by Mr. Williams is, that Sir Alexander Stewart, who succeeded in 1367, had for his first son Sir John Stewart of Derneley, and for his second son Sir William Stewart of Jedworth; and that this Sir William Stewart of Jedworth lived till the year 1429, and was then killed during the siege of Orleans.

If this last-mentioned fact were true, it would serve completely to establish the preference due to Lord Galloway's pretensions; because it is a certain fact, that Sir William Stewart of Jedworth was Lord Galloway's ancestor, from whom he is descended in the direct male line; and if it were equally true, that this Sir William Stewart of Jedworth was the brother of Sir John Stewart of Derneley who was killed in France in the year 1429, and from whom the only male descendant now alive is Cardinal York;—then it must follow, that the descendant from Sir William Stewart, the brother of Sir John, must now be the undoubted heir male of the family.

It becomes therefore a point of essential importance in the present discussion, to ascertain the fact, whether Sir William Stewart of Jedworth, who was sometimes designed of Jedworth and at other times of Teviotdale, and at other times *de Forresta*, was really the son of Sir Alexander, and the brother of Sir John Stewart of Derneley, the first Lord of Aubigny in France, who was killed in that country in the year 1429, during the siege of Orleans; and whether this Sir William Stewart was the same person with that Sir William Stewart who certainly was killed in the same battle with his brother Sir John Stewart.

From the facts and proofs which are now to be stated, and which are totally adverse to the above suppositions, it will appear, that Sir William Stewart of Jedworth could not possibly be the son of Sir Alexander, and the brother of Sir John Stewart of Derneley; and that he could not be the Sir William Stewart who was killed during the siege of Orleans; for the following reasons:

First, Because Sir William Stewart of Jedworth was taken prisoner by the English at the battle of Homildown, in the year 1402, and soon thereafter was tried, condemned, and executed in England.

Secondly, Because the age and circumstances which are known to have related to Sir William Stewart of Jedworth, are totally irreconcilable with any idea of his being the son of Sir Alexander Stewart of Derneley, or the brother of Sir John Stewart of Derneley, the constable of the Scots army in France.

PROOFS *in favor of the* FIRST PROPOSITION.

THE history of Sir William Stewart of Jedworth is very well known. He was certainly a great warrior, and a very eminent and distinguished person in his time; and there are few men who lived in that remote period concerning whom more traces are to be discovered from the records and histories of those times.

From the public records in Scotland it appears that the following charters or grants were made in his favor towards the close of the 14th century; to wit,

1. Charter, dated at Linlithgow, the 2d of July, 1385, by King Robert II. granting "Dilecto et fidelissimo suo Willielmo Stewart de Jedwith
" terras de Synlawys cum pertinentiis in baronia de Oxynham infra vice-
" comitatum de Roxburgh, quæ fuerunt quondam Thomæ de Rydall, et
" quæ nos contingunt ratione feris facturæ ejusdem Thomæ ad pacem et
" fidem regis anti hac defuncti."

2. Charter by King Robert III. dated 4th January 1391, confirming a charter dated 8th December 1390, granted by John Turnbull of Minto, of the lands or dominium of Minto, in favor of Sir William Stewart of Jedworth, knight, therein designed "Nepos" of John Turnbull of Minto, the granter of the Charter; by which he granted the lands in favor of Sir William Stewart, thus designed "Domino Willielmo Senescallo de Jed-
" worth, militi, nepoti meo."

3. On the 27th of March 1392, King Robert III. conferred on Sir William Stewart a grant of forty merks sterling as a reward for his loyalty, attachment, and distinguished services to the King, and to his eldest son David Earl of Carrick and Duke of Rothesay. — The words are, “ dilecto et “ fideli nostro Willielmo Senescallo de Jedworth, militi, pro servitio suo et “ speciali reverentiâ suo nobis, et David Senescalli primogenito nostro.”

4. On the 8th of November 1391, the same King Robert III. granted to Sir William Stewart of Jedworth, the estates and lands of George Abernethy in the village of Minto, then in the Crown by reason of his forfeiture. The words in the Charter contain a grant by his Majesty, “ Dilecto et fideli nostro Willielmo Senescallo de Jedworth, militi, de omni- “ bus terris et tenementis quæ fuerunt Georgii de Abernethy in villa de “ Myntaw,” &c. The date is “ apud Irvyne, octavo die mensis Novembris “ anno regni nostri secundo,” which must have been in November 1391, as Robert succeeded to the Crown in April 1390.

This is a mis-
take in refer-
ring to No.
4895. The ar-
ticle is in No.
4609, page
132, No. 61
thereof, rela-
tive to Rolls
of Robert III.
marked F.

5. In an Inventory of Scottish Charters preserved among the Harleian Manuscripts at the British Museum N° 4895, an entry is made of “ A Charter, by Archibald Earl of Douglas, son-in-law to the King, to “ William Stewart of Teviotdale, or of Jedworth, of the lands of Aber- “ corne, and Castle thereof, blenche.” As this deed is among the Char- ters that have been unfortunately lost or mislaid, and as no particular date is mentioned, it is difficult to assign the precise period when it was executed.

6. Upon the 31st of August 1395, King Robert III. granted a Charter to the Monks of Melros, remitting to them and their successors certain tolls and customs, &c. To this Charter Sir William Stewart of Jedworth was one of the witnesses; but he is therein described as *Sir William Stewart of Tevi-dale*, “ Willielmus Senescallus de Tevi-dale, miles.” This Charter is in the Chartulary of Melros, which is preserved among the Harleian Manuscripts at the British Museum, N° 3960.

7. Upon the 17th of October 1396, Sir William Stewart of Jedworth entered into a contract with Sir Walter Stewart of Dalswinton, in which he engaged that his son and heir should marry Marion Stewart, the daughter and apparently the sole heiress of Sir Walter. In this contract, Sir Wil-
liam

William Stewart is not designed of Jedworth, but is styled *Sheriff of Teviotdale*, without any other designation.

8. Upon the 30th of October 1394, Richard II. King of England, granted letters of safe-conduct and protection to the Ambassadors from Scotland, when commissioned by the King of Scotland to meet the English Ambassadors to adjust the terms of a truce. From these letters, which are published in Rymer's *Fœdera*, vol. 7. page 785. it appears that Sir William Stewart of Jedworth, Knight-banneret, was one of these Ambassadors from Scotland. — The other Ambassadors were, the Bishops of St. Andrew's and Glasgow, the Earls of Carrick, of Douglas, and of March, &c.

9. On the 1st of October 1397, there was a commission directed by Robert King of Scotland "dilectis et fidelibus suis Willielmo Senescal de Jedworth, et Johanni de Romergny, militibus, ac Adæ Forrester et Patricio de Lumley," appointing them, or any three or two of them, his Deputies and Special Commissioners to meet with Richard his adversary in England, or with his Deputies and Commissioners, for fixing the time and place for settling certain disputes between the two kingdoms.

1397,
October 1st.
Rymer's *Fœd.*
vol. 8. p. 17.

10. On the second of October 1397, an Indenture was drawn up at the Abbey of Dumfermline, betwixt Sir William Stewart, Sir John of Romergny, Knights, Adam Forrester and Patrick Lumley, Esquires, on the part of Scotland, and the Ambassadors and Commissioners of the King of England; by which it was agreed, that a day should be held at Reddenburn, Carham, or Handenstank, on Monday the 11th day of March then next, betwixt the Earl of Carrick, &c. for the part of Scotland, and the Duke of Guyenne and Lancaster, &c. for the part of England, to redress all trespasses done by sea and by land against the form and tenor of the truce taken at Lollingham in the year of our Lord 1388.

1397,
October 2d.
Rymer's *Fœd.*
vol. 8. p. 18.

11. On the 16th of March 1398, there was an agreement, entitled "Indentura Treugarum Scotiæ," entered into at Handenstank between "David eldest son of the King of Scotland, Comte de Carrick &c. Commi et Deputé de Roi d'Ecosse, d'une part, et Jean fils du Roi d'Angleterre, Duc de Guyenne et Lancaster, Commi et Deputé de Roi Angleterre, d'autre part." Which Indenture witnesseth, "Que les dits Commis et Deputés du Roi d'Ecosse

1398,
March 16.
Rymer's *Fœd.*
vol. 8. p. 35.

“ d'Ecosse ont ordonné leurs Deputez Monsieur William Lindefay, William
 “ Steward, Joan de Romergny, Chevaliers, et Adam Forrester; et les
 “ dits Commis et Deputés d'Angleterre ont ordonné leurs Deputés
 “ Monsieur Gerrard Heron, Thomas Gray de Horton, Jean de Fenwick,
 “ Chevaliers, et Jean Mitford pour performer leur ordonnance en
 “ maniere qui s'ensuit,” &c.

1398,
 October 26.
 Rymer's Fœd.
 vol. 8. p. 54.

12. On the 26th of October 1398, there was a Convention at Handenstank, styled “ Conventionis Supertreugas Scotiæ,” between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of an high and mighty Prince the King of Scotland, on the one part, and Sir John Buffie, Sir Henry Græme, Knights, Mr. William Fereby, Clerk, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King of England, on the other part; by which Convention several particulars were agreed to about the mutual delivering up of prisoners and ransoms, &c. — Then follows a clause in these words:

“ To the fulfilling of the which, the Earl of the March, the Warden of the
 “ East March of Scotland, is obliged by his letter to Sir Henry Percy,
 “ Warden of the East March of England; and the said Sir Henry is obliged
 “ by his letter to the said Earl, either for his bounds against the other;
 “ and Sir Richard of Rutherford, Sir William Stewart, Knights, Walter
 “ Scott, Thomas Turnbull, and Robert of Lauder, are Burrows for the
 “ Earls bounds of Douglas of the Middle March; and Sir Thomas Gray of
 “ Heaton and Sir Thomas Gray of Horton, Knights, Robert Umfraville,
 “ John of Midford, and Thomas Knayton, are Burrows for Sir Henry
 “ Percy's bounds for the East March,” &c.

1398,
 October 28.
 Rymer's Fœd.
 vol. 8. p. 57,
 58.

13. On the 28th of October 1398, there was a Convention between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of a high and mighty Prince the King of Scotland; and Sir John Buffie, Sir Henry Græme, Knights, Master William Fereby, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King England, which narrates several particulars that were under their consideration; and one of these relating to Sir William Stewart was expressed as follows:

“ Item,

“ Item, Sir Philip of Stanley, Captain of Roxburgh, gave a bill playn-
 “ and of the Erle’s son of Douglas, and sundry men in the company with
 “ him, of the which Sir William Stewart was one, that they hadd broken
 “ the brig of Roxburgh, brynnte theire towne and spulyit that, broken
 “ thair walles, and brynt thair hay and yair fuel, to thair scathes of twa
 “ thousand pund.”

“ And forethy the said Sir William was presente on the feylde he was
 “ constreynit ’till answer tyll the said complaynt ; to the quhilk he answerit,
 “ sayand, that the breyking of the brig, the brynning of the hay and fuel, his
 “ Lord did of purpose, thynkand that he might do that lawchfully nocht
 “ agayne stand and the trewis forethy that all was and is Scots mennys
 “ heretage. Nevertheless ghwethir it be fuley justifiable ore nocht he
 “ cannocht say, bot gif it beys determynit be the Commissaires ane at-
 “ temptate againe the trewis it fall be amendit as it aw to be.

“ The brenning and the spretting of the towne he graunts till amende
 “ as a thinge done againe his Lordes defense, and also againe the trewis.”

“ The quhilk answer herd the said Commissaries has referrit the know-
 “ ledge of this article to their Lordes for the heynefs of the matter.

The final determination of the above-mentioned dispute appears thus to have been referred by the Deputies to the principal Commissioners. — Neither does it appear that the establishment of the truce had been thereby interrupted ; for in that same year (1398) sureties were mutually given on the part of England and of Scotland. The truce then established between England and Scotland expired at Michaelmas 1399 ; and the Scots took that opportunity of making inroads into Northumberland, where they took the Castle of Wark, which they utterly demolished, and made great ravages in Northumberland. While they were thus employed in Coquetdale in Northumberland, they were attacked by Sir Robert Umfraville, the Chief Lord of that district, at a place called Fulloplaw, in which conflict Sir Richard Rutherford and his five sons were taken prisoners, also John Turnbull, surnamed “ Out with the Sword,” Sir William Stewart, and many others.

Redpath’s
 Border His-
 tory, p. 367.

Though

Though Sir William Stewart is not here particularly designed, it is probable that it was Sir William Stewart of Jedworth who was taken prisoner in 1399.

The next mention we have of Sir William Stewart of Jedworth is in the year 1402, when he was taken prisoner at the battle of Homildown in Northumberland, where Archibald Earl of Douglas commanded the Scots army, and the Earl of Northumberland with his son Henry Percy, commonly called Hotspur, assisted by George Dunbar Earl of March, commanded the English forces, which were victorious. At this battle, fought on the 14th of September 1402, Sir William Stewart of Jedworth was taken prisoner, and at the instance of Hotspur Percy was tried, condemned, and executed, though he very ably pleaded his own cause, and had been acquitted by the first juries appointed to try him *. A very particular account of this is given in the *Scoti-Chronicon*, vol. 2. page 434. where, after relating the particulars of that famous battle, the Author gives a very precise account of what related to Sir William Stewart, in the following words :

*Scoti-Chroni-
con, vol. 2.
page 434.*

“ Captus ibi fuit valens miles, et inter sapientes primus, Dominus Will-
“ elmus Stewart de Foresta; et coram Domino Henrico Percy juniore, de
“ traditione falso adjudicatus, pro eo quod, cum puer esset, antequam
“ Thevidalia venit ad pacem Regis, ipse, sicut ceteri de patria, Anglicatus
“ erat, et de necessitate. De hoc acrius accusatus, sed sagaciter sua propria
“ peroratione defensus, tres Anglorum assisas tanquam immunis evasit. Sed
“ et dictus Percy, qui Hotspur dicebatur, inveterata excandescens malitiâ,
“ probitati nimium et sapientiæ militis invidens, non passus est ipsum sic
“ libertate donari; sed et de assentatoribus suis nova assisa electa, præpropere
“ et perperam condemnatur, et, tanquam traditor, tractus et dimembratus,
“ innocens Martyr pro justitia passus a plerisque etiam Anglis reputatus
“ est.”

* The trial and execution of Sir William Stewart must have been in the period between 14th September 1402, the date of the battle of Homildown, and the 21st July 1403, the date of the battle of Shrewsbury, where Hotspur Percy was killed.

This

This fact, concerning Sir William Stewart's being taken prisoner at the battle of Homildown, and his being put to death soon thereafter, is so decisive of the whole matter in dispute, that Mr. Williams, in the papers lately drawn up by him, has been at great pains either to reject the testimony of the author of the *Scoti-Chronicon*, or to make it be believed, that Sir William Stewart *de Foresta* could not be the same person as Sir William Stewart of Jedworth or Teviotdale.—To this purpose Mr. Williams in one of his late papers, entitled “An impartial Examination of the different accounts given of Sir William Stewart of Jedworth, and Sir William Stewart of Castlemilk,” has the following passage: “No author but the author of the *Scoti-Chronicon*, mentions the circumstance of Sir William Stewart's having been put to death by the sentence of a jury instigated by Hotspur Percy; nor can it be proved that the transaction, if true, is solely applicable to Sir William Stewart of Jedworth. The title given by Fordun, or his Continuator, to the Sir William Stewart whom he asserts Hotspur sacrificed to his fury, is *de Foresta*; and this designation cannot at least be proved inapplicable to Sir William Stewart of Castlemilk. The situation of Castlemilk near Lochmaben, a country then abounding with wood, and near the conjunction of the forests of Jedburgh, Selkirk, and Etrick, might well confer on its possessor the title of *de Foresta*. The limits of these forests were more extensive in ancient times than they are at present supposed to be.”

And in another part of the same paper, there is this passage: “With regard to Sir William Stewart of Jedworth, as his residence was in the town of Jedburgh, the title of ‘*de Foresta*’ would confessedly be very inapplicable to him; it would literally be creating a *rus in urbe*, to apply the designation of *de Foresta* to an inhabitant of a populous town. There are many reasons for concluding, that the fact related in the *Scoti-Chronicon* cannot be true, at least with respect to Sir William Stewart of Jedworth.”

These reasonings and conjectures on the part of Mr. Williams, must fall to the ground, when the true state of facts is attended to. The circumstance on which he lays so much stress, the designation of “*de Foresta*,” is so far from being inconsistent with the designation of “*de Jedworth*,” that the one and the other means precisely the same thing; for in

ancient, as well as in modern times, Jedworth Forest is a description so well known and established, that "Jedworth" or "The Forest," or "Jedworth Forest," are almost synonymous, and they are made use of indiscriminately for describing the same tract of country. When Sir William Stewart was described "of Jedworth," it was never meant by that to say, as Mr. Williams supposes, that he was an inhabitant of the small town or village of Jedworth, but that he had an estate or tract of country known by the description of *Jedworth*, or in other words, of *Jedworth Forest*; which to this very day is the description of a large tract of country in the county of Teviotdale, upon the borders between England and Scotland. A great part of that tract of country under that description of Jedworth, or Jedburgh Forest, belongs at this day to the Douglas family, and it is so described in the rentals and title deeds of that family*.

But another piece of evidence, now to be stated, will serve at once to put an end to all cavil upon Sir William Stewart's designation of *de Foresta*; and at the same time will shew that Mr. Williams is greatly mistaken, in

* James the 8th Lord of Douglas, known by the name of the Good Sir James, who died in the year 1331, got a grant from King Robert the Bruce in the year 1324, to him and his heirs of the Town Castle and *Forest of Jedworth*. Vide Douglas's Peerage, page 183, where he appeals to a charter in the possession of the family of Douglas.

In Rymer's *Fœdera*, vol. 4. No. 616. mention is made of the Villa Castrum et *Forresta de Jedworth*, where Edward Baliol, anno 1334, in the second year of his reign, by a grant under the great seal of Scotland, dated at Newcastle, 12th June, grants to Edward King of England, amongst other articles, Villam, Castrum, et *Forrestam de Jedworth*.

In Rymer, vol. 4, page 617, Edward King of England, upon the 15th of June, 1334, appointed Galfridus de Moubray sheriff of the county of Roxburgh, and gave him the custody of the Castle of Roxburgh; and appointed Gulielmus de Pressen constable of the Castle of Jedworth, with the custody of the *Forrest of Jedworth*.

In the *Cartæ Antiquæ* and *Rotuli Scotiæ*, published by Sir Joseph Ayloff, page 147, there is an article in the 8th year of Edward the 3d in these words: "De constabulario Castri Regis et Custodia *Forresta de Jedworth*, commissio Willielmo de Pressen."

In the year 1403, July 9th, an agreement was entered into between the King of England and the Earl of Northumberland, by which the Earl engaged to deliver up to persons having commission from the king, the Castle of Berwick, and also the Castle and *Forrest* of Jedburgh with all their dependencies, which had been granted by a charter of Edward the 3d to the Earl's grandfather. Rymer, vol. 8, page 364.

supposing that no author but the author of the Scoti-Chronicon had mentioned the remarkable circumstance of Sir William Stewart's being taken prisoner at the battle of Homildown, and of his being tried, condemned, and executed in consequence thereof; for there is a contemporary author, of great character, and deserving of credit, who mentions almost all the same circumstances, with some additional ones; and it fortunately happens for clearing up the present question about the designation, that author does not describe Sir William Stewart under the designation of "de Forestâ," but in express words describes him "*Sir William Stewart of Teviotdale*." This designation it will not be denied belonged to Sir William Stewart of Jedworth; instances of which have already been given.

The authority here appealed to, for establishing the same facts as those related in the Scoti-Chronicon, concerning the death of Sir William Stewart of Jedworth, is Winton's Chronicle of Scotland, of which there is one manuscript copy in the Advocates Library at Edinburgh, and another manuscript copy in the Harleian Collection at the British Museum; and the merit of Winton's Chronicle is so well ascertained, that it is now in agitation to give a splendid edition of it to the public in print;—the work is already far advanced.

Winton's Chronicle, according to the fashion of the chroniclers or historians of those remote times, was written in a sort of verse; and in chapter 216, p. 887, after describing the battle of Homildown, there is what follows, relating to Sir William Stewart of Jedworth Forest, or of Teviotdale.

*" Schir William Stewart of Tivydaill
That day was tain in that Battaill,
And ain uthir gude Squyeir,
That be name was callit Thomas Ker.
This Schir Henry de Percy
Thai twa demanyt unplauchefully,
As in jugement sittand he
Gart thir twa accusit be,
That thir twa before then
Had been the King of Inglands men,*

And armyt agane him : forthi
 Thai war accusit of tratary.
 Sua in cullour of justice,
 (Set it was nane) he rafit assis
 Ane assys first maid thame guyt.
 Bot this parfy, with mair despyte,
 To this assys eikit then
 Mair malicious fellounne men,
 That durst nocht doe, but all as he
 Wald, sua behussit it to be.
 Than accusyt he thir twa men,
 Saras far than before then ;
 And by this accusatioun,
 Of deid thai tholit the passiounne.
 And of thair quarteris he gart be fet
 Sum intill York, upon the yett.
 Intill Inglonde was ane man,
 That oft oysit till speik than
 Sindry thingis or thai fell,
 Bot of quhat spreit I can nocht tell ;
 Quhen he hard as this was done,
 Quhair him lykit he said rycht sone,
 " Men may happin far to fe,
 " Or ane yeir be gane, that he
 " That gart yon lym be yonder fet
 " Now upon yone ilka yett,
 " His awin lym to be rycht sua
 " Sa may fall the gamyn to ga."
 And sa it happynnit that deid done,
 As yhe sal here eftyre soon."

Winton's Chronicle was completed about the year 1418. He was a Canon Regular of St. Andrew's, and Prior of the Monastery of Lochleven in Fifeshire; and there are few authors whose knowledge and veracity have been held in higher estimation.

Thus

Thus it appears that the same facts, with their most essential circumstances, have been related by two different authors, both of whom were in effect contemporary with the event related; for Winton's Chronicle was composed about the year 1418, at latest, it appears from the work itself that the author composed it between 1408 and 1418, and that the last event noticed by him is a transaction of the year 1419*: and the continuation of the Scoti-Chronicon by Walter Bower, or Bowmaker, Abbot of St. Colomb, must have been at some period between 1385, when he was born, and 1449, when he died †.

Both these authors, therefore, were well qualified to write an account of an event so recent as that of the battle of Homildown, which had happened in their own time, and they must have had good information of the facts related by them. What adds to the force too of these separate testimonies is, that it evidently appears from the discrepancies in the accounts given by them, that the one author had by no means copied from the other.—They differ considerably from each other in some of the circumstances attending the capital event; but they are both agreed, and affirm with certainty, that Sir William Stewart was taken prisoner at the battle of Homildown, and that he was tried, condemned, and executed, and that Hotspur Percy was the principal cause of his condemnation. It would have been singular indeed, if two authors, unconnected with each other, had agreed to invent so memorable a fact without any foundation in truth; when such a falsehood with regard to a fact stated to have happened so very recently, and in their own times, must have ruined their characters for veracity, and destroyed the credit of the histories they were then giving to the public.—In short,

* He died about the year 1424.

† The time of the birth and death of the Continuator of Fordun is fixed by the preface to Goodal's edition of the Scoti-Chronicon, page 3; by Bishop Nicholson's Scottish Library, page 34; and by Sir David Dalrymple's Remarks on the History of Scotland, page 131.

It appears also from Sir David Dalrymple, page 132, that Winton's Chronicle had been written before Bower's continuation of the Scoti-Chronicon, therefore must have been written very soon indeed after the battle of Homildown; and there is internal evidence in Winton's Chronicle, that the author of it never had seen the continuation of Fordun by Bowmaker.

there

there can be no reliance on any historical fact whatever, if credit is not due to this which relates to Sir William Stewart of Teviotdale, ascertained as it is, by contemporary authors, who could have no inducement to falsify the fact, and who, if they had, could so easily have been detected; for Sir William Stewart of Teviotdale was a man so eminent both in Scotland and in England, that what related to him must easily have been known, and if he had not been taken prisoner at the battle of Homildown, or had not been tried, condemned, and executed soon thereafter, but on the contrary had lived for many years after that period, it would have been a most ridiculous attempt for any author, especially a contemporary author, to endeavour to persuade the world that Sir William Stewart then alive, had been tried, condemned, and executed immediately after the battle of Homildown, in the year 1402.

If an historical fact so completely established stood in need of any additional support from the probability of the events related, there are circumstances in this case which would afford that support; for the course of Sir William Stewart's military achievements, and the local situation of his property, produced events which naturally exposed him much to the enmity and revenge of the Percy family, whose property in Northumberland lay contiguous to Sir William Stewart's property of Jedworth Forest; and it appears from history, that Sir William Stewart, who certainly was one of the most distinguished active champions for Scotland at that time, had upon many occasions very much annoyed the inhabitants of Northumberland, and injured the property of the Percys there.

The passage already quoted from Rymer's *Fœdera* shews, that at the time of settling the disputes between England and Scotland, in October 1398, Sir William Stewart was particularly obnoxious to the English, on account of ravages committed by him, the particulars of which Sir Philip of Stanley, Captain of Roxburgh, gave in a complaint to the Commissioners of England and Scotland then assembled, in which he stated, that the Earl of Douglas, and sundry men in company with him, and particularly named Sir William Stewart, had broken the bridge of Roxburgh, burnt and plundered their town, had broken their walls and burnt their hay and their fuel, to their damage of two thousand pounds.—It is to be remarked, that

that at the time when this happened, Henry de Percy Earl of Northumberland was, by a commission from King Richard the Second, Keeper of the Castle of Roxburgh, and Sir Philip of Stanley, who presented the complaint, appears to have been Captain under him.

In Sir Joseph Ayloff's Calendar of Ancient Charters, page 258, there is an article shewing that in the 14th of Richard II. (which was the year 1389) Henry de Percy had been appointed keeper of the Castle of Roxburgh.

When Sir Philip Stanley, therefore, in the year 1398 presented the complaint against Sir William Stewart, and called upon him, then present, to answer it, this must have been done with the knowledge, and most probably by the direction of his principal Henry de Percy.

In the year 1399, new cause of offence was given by Sir William Stewart against the Percy family; for Sir William was one of those who in that year made inroads into Northumberland, where they took the Castle of Wark, belonging to the Percy family, totally demolished that Castle and made great ravages in Northumberland; but while so employed they were attacked and defeated by the English forces under Sir Robert Umfraville, on which occasion Sir William Stewart and several of his neighbours in Teviotdale were taken prisoners.

It was not long after this that Sir William Stewart engaged again in an enterprize to distress the English, which was directed principally against Northumberland, where the property of the Percy family lay. This happened in the year 1402, when Sir William Stewart accompanied the Earl of Douglas in an expedition into Northumberland, where they committed great ravages; but before they had penetrated farther into the country they were attacked and defeated at Homildown, near Wooller, by the English, under the Earl of Northumberland and his son Henry Hotspur Percy, assisted by the Earl of Dunbar and March; upon which occasion, both the Earl of Douglas himself, and Sir William Stewart of Jedworth, were made prisoners. Sir William Stewart's life was forfeited in the manner already related; and it has been supposed, that his behaviour at Roxburgh, and in his ravages upon the Percy estate at different times, must have produced the animosity and resentment with which Hotspur Percy prosecuted him, and got him condemned
after

after the battle of Homildown *. Sir William Stewart was probably considered by the Percy family as one of their most troublesome and formidable enemies; for he appears to have been a very able and distinguished warrior, was always ready to take the field, and, from his local situation upon the borders of the Percy estate, had it in his power to be more troublesome to them than almost any other person.

Another circumstance which makes the account in the Scoti-Chronicon, and in Winton's Chronicle, the more applicable to Sir William Stewart of Jedworth, and increases the probability of the story told, is, that one of the grounds for his trial was that before Teviotdale had been restored to Scotland (*venit ad pacem regis*) he when a boy had become a subject of the King of England (*Anglicatus erat.*)

Teviotdale had been acquired by the King of England, and remained subject to that crown from the time of the battle of Durham, in the year 1346, down to the year 1384; to which purpose there is a paragraph in the Scoti-Chronicon, page 400, at the date of the year 1384, in these words: "Quo in tempore Willielmus comes de Douglas potentialiter et
" partim tractatu suscepit, totam Thevidaliam ad fidelitatem et pacem Regis
" Scotorum quæ invariabiliter Anglicis adhærebat a bello de Durham
" usque tunc."

The same fact is stated in Holinshed's Chronicle of Scotland page, 247.

Now, as Sir William Stewart's property lay in Teviotdale, where he passed his life, and was even designed sheriff of that county in 1396, and of course was a subject of the king of England while Teviotdale remained with that crown, it makes it more probable that Hotspur Percy, when exasperated against him, might avail himself of that pretence for accusing Sir William Stewart of Jedworth as guilty of high treason against the King of England; for the inhabitants of Teviotdale, who during a certain period took arms against the King of England, were considered as rebels.

* On reading over the genealogical and historical deduction of the Stewarts of Dalswinton and Garlies, drawn up by George Crawford, historian, it appears that he admits completely the fact of Sir William Stewart having been tried and executed after the battle of Homildown; and accounts for the enmity Percy bore to him in a manner similar to what has here been stated.

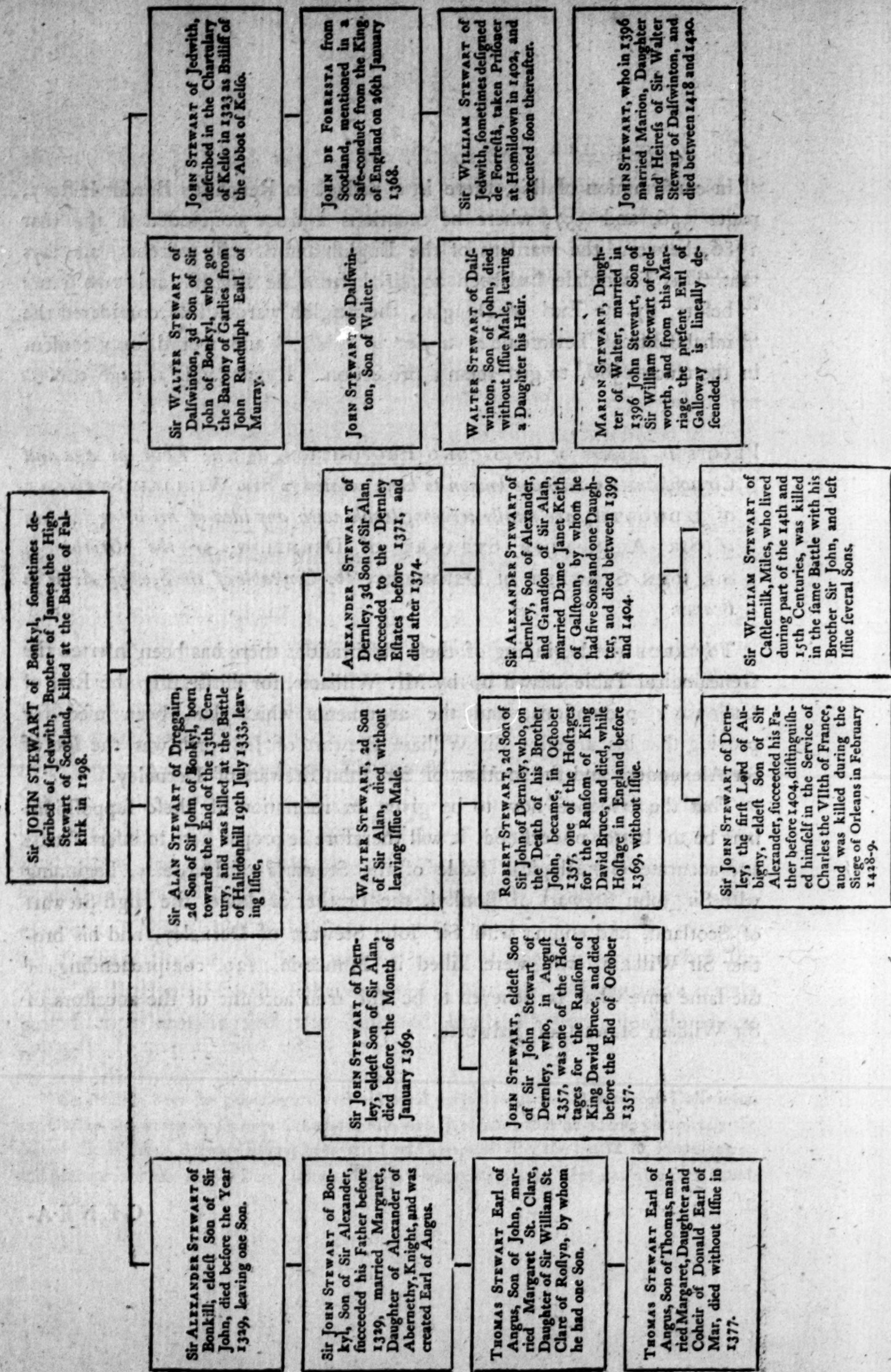
In confirmation of this, there is a passage in Redpath's Border History, pages 356, and 357, where he mentions a truce concluded in the year 1386, between the wardens of the English and Scottish marches, and says that "as Teviotdale had been acquired from the English only two years before, by the Earl of Douglas, the English warden still considered the inhabitants of Teviotdale as a sort of rebels;" and would only consent in the truce 1386, to give them a protection. Rymer, vol. 7. page 526.

PROOFS in support of the SECOND PROPOSITION, to wit, *That the Age and Circumstances which are known to have related to SIR WILLIAM STEWART of JEDWORTH, are totally irreconcilable with any idea of his being the Son of SIR ALEXANDER STEWART of DERNELEY, or the Brother of SIR JOHN STEWART of DERNELEY, the Constable of the Scottish Army in France.*

TOWARDS the beginning of these observations there has been inserted the Genealogical Table drawn up by Mr. Williams, for illustrating the Earl of Galloway's pretensions, and the arguments which had been used for proving that his ancestor Sir William Stewart of Jedworth was the son of Sir Alexander, and the brother of Sir John Stewart of Derneley.

That the evidence now to be given in refutation of these suppositions may be the better understood, it will therefore be proper here to insert a true and accurate Genealogical Table of the Stewarts of Derneley, beginning with Sir John Stewart of Bonkyl, the brother of James the High Stewart of Scotland, and ending with Sir John Stewart of Derneley, and his brother Sir William, who were killed in France in 1429, comprehending at the same time what is believed to be the true account of the ancestors of Sir William Stewart of Jedworth.

GENEALOGICAL TABLE.



FROM a comparison of the preceding Genealogical Table with that drawn up by Mr. Williams, it will easily be perceived that they differ from each other in almost every article of the descendants from Sir Alan Stewart of Dreggairn, the root of the Derneley family; and that the truth of the facts stated in the one of these Tables must necessarily exclude the truth of those stated in the other. It must therefore be submitted to the judgment of impartial inquirers, which of those two Tables is the best supported by proofs. It will be found that there are solid and irresistible proofs in support of every article in the last of these Genealogical Tables; while the other is founded entirely upon suppositions and conjectures, which, however ingenious the reasoning may be, will certainly be found to be void of solid foundation.

There are a few points which when solidly established, would of themselves be sufficient to refute the articles contained in the first of these genealogical Tables, and to overturn the imaginary system, of making Sir William Stewart of Jedworth the son of Sir Alexander and the brother of Sir John Stewart of Derneley, and of continuing the existence of that Sir William Stewart of Jedworth down to the year 1429.

In the first place, if the proofs already given of Sir William Stewart of Jedworth having been taken prisoner at the battle of Homildown in the year 1402, and of his having been tried, condemned, and executed soon thereafter, are true; (and that they are so cannot be denied, without denying historical facts the best ascertained;) then it must be allowed that Sir William Stewart, who died in the year 1402, could not be the same Sir William Stewart who was killed in the year 1429, during the siege of Orleans. But it is a certain fact, ascertained beyond a doubt, that Sir John Stewart of Derneley, who was killed at the battle of Harrans, in the year 1429, had a brother, Sir William Stewart, who was killed in the same battle with him; therefore it necessarily follows, that Sir William Stewart of Jedworth could not possibly be the brother of Sir John Stewart of Derneley, and, consequently, that there was another Sir William Stewart who was the brother of that Sir John Stewart.

2dly, The same inference will arise from another circumstance relating to the history of Sir William Stewart of Jedworth. In the year 1390, upon the 8th of December, there was a charter granted by John Turnbull of Minto, of the lands of Minto, in favor of Sir William Stewart of Jedworth, knight, wherein John Turnbull described Sir William Stewart as "*nepos suus*;" by which it is presumed he meant his nephew. If John Turnbull was uncle to Sir William Stewart, he must have been the brother either of the father or the mother of Sir William Stewart—of the father it could not be, as the father's name was Stewart: then the mother of Sir William Stewart of Jedworth must have been of the name of Turnbull, and sister of John Turnbull of Minto.—But this is totally inconsistent with Sir William Stewart of Jedworth being son of Sir Alexander Stewart of Derneley; for nothing is more certain than that the wife of the second Sir Alexander, and the mother of Sir John Stewart of Derneley, and of his other children, was Dame Janet Keith of Galstoun.

To avoid this difficulty, of which Mr Williams seems to have been aware, he supposes, that Sir Alexander Stewart of Derneley, the husband of Janet Keith, must have been twice married, and that his first wife may have been of the Turnbull family, and have produced to him Sir William Stewart of Jedworth, by which means he would be the son of Sir Alexander Stewart of Derneley: but of this first imaginary marriage of Sir Alexander Stewart there is not a vestige of evidence, neither is it said or insinuated by any author whatever.

If it could be supposed that Sir Alexander Stewart of Derneley had been first married to a person of the name of Turnbull, and that of that marriage there had been a son, to wit, Sir William Stewart of Jedworth, then that son must necessarily have succeeded to the Derneley estate, which by solemn deeds executed in the years 1356 and 1362, by Robert the Stewart of Scotland, was entailed on Alexander Stewart of Derneley and his heirs male forever; and unquestionably the son of the first marriage must have been preferable to the sons of the second marriage. But as Sir John Stewart of Derneley, son of the marriage between Sir Alexander Stewart and Dame Janet

Keith, succeeded to the Derneley estate immediately on the death of his father, that necessarily proves that Sir Alexander had no son of a prior marriage. This argument seems to be conclusive, more especially as it cannot be pretended that Sir William Stewart of Jedworth could have been the son of Sir Alexander Stewart of Derneley by a second marriage; for it is established beyond the reach of doubt, that Sir Alexander, who married Dame Janet Keith, died many years before her, and there are many deeds executed by her subsequent to his death mentioning that they were granted in her widowhood; therefore if Janet Keith was the mother of Sir John Stewart of Derneley the eldest son, she must also have been the mother of all his other sons, of whom there were several; and it is well ascertained that one of them was William, who was killed at the siege of Orleans at the same time with his brother.

After two such conclusive proofs, it is almost superfluous to take notice of any other circumstances which operate against Mr. Williams's supposition of Sir William Stewart of Jedworth being the son of Sir Alexander Stewart of Derneley; but there are other circumstances which tend to the same conclusion.

In point of chronology it would be very difficult to make Sir William Stewart of Jedworth the son of Sir Alexander Stewart of Derneley, who married Dame Janet Keith; for it is to be observed, that Sir William Stewart of Jedworth had a son John marriageable, and actually married in the year 1396, as appears from the contract of marriage dated 13th October 1396, by which it was agreed between Sir Walter Stewart, Lord of Dalswinton, on the one part, and Sir William Stewart, Sheriff of Teviotdale, on the other, that John Stewart, the son and heir of the aforesaid Sir William, should have to wife Marion the daughter of the aforesaid Sir Walter, and *that the matrimony should be fulfilled between them before Candlemas then next to come in the year 1397.* Supposing then that John Stewart the son of Sir William was only of the age of 21 at the date of the marriage contract to Marion Stewart in 1396, that would draw back his birth to the year 1375; then supposing that his father, Sir William Stewart of Jedworth, was of the age only of 21 at the birth of his son John, that would draw back the birth of Sir William Stewart of Jedworth to the year 1354. And pro-

proceeding upon the same scale of moderate calculation, by supposing that Sir Alexander Stewart, the second of that name, was but 21 years old at the time of the birth of Sir William Stewart of Jedworth, if he was his son, that would draw back the birth of the second Sir Alexander Stewart to the year 1333. And still proceeding upon the same moderate scale of calculation, let it be supposed that the first Sir Alexander Stewart, the father of the second Sir Alexander and the son of Sir Alan was but 21 years old at the birth of his son Alexander, that would draw back the birth of the first Alexander to the year 1312; and as Sir Alan had two sons, John and Walter, elder than Alexander, besides a daughter, that would draw back the marriage of Sir Alan to several years before 1312. Now it does not seem at all probable that Sir Alan Stewart, killed at the battle of Halidonhill in the year 1333, had been a married man in the beginning of that century, or that he had a grandson alive at the time of his death in 1333, especially as it is known that his son, the first Sir Alexander, did not die till after the year 1374; but the improbability would be greatly increased, if a larger allowance were made for the ages at which the heads of the family during the four successive generations above-mentioned had each of them a son. In short, to make it possible that Sir William Stewart of Jedworth could have been the son of the second Sir Alexander Stewart of Derneley, there must be many strained suppositions of possibilities, instead of resorting to probabilities; and it must be supposed that the second Sir Alexander Stewart had in the course of about forty years from his marriage, a grandson by Sir William Stewart of Jedworth marriageable and actually married in the year 1396, even before Sir John Stewart of Derneley, the eldest son of Sir Alexander and the heir of his estate, was married, or just about the time of his marriage.

On looking at the Genealogical Table last above inserted, wherein all the generations from Sir John Stewart of Bonkyl are particularly stated, it will appear that Sir William Stewart of Jedworth, instead of being the son of the second Sir Alexander Stewart of Derneley, was in a generation cotemporary with him, and that John Stewart, the son of Sir William of Jedworth, who married Marion the heiress of Dalwinton, as well as Marion herself, were in a generation precisely contemporary with Sir John Stewart of Derneley, the eldest son of Sir Alexander. It would be preposterous, therefore, for
many

many reasons, to suppose that Sir William Stewart of Jedworth, the father of John, could be the son of Sir Alexander Stewart of Derneley.

Upon the other supposition, of John Stewart, the husband of Marion Stewart, being a contemporary, and about the same age with Sir John Stewart of Derneley, all these absurdities and strained suppositions are avoided: then it will appear that John, the son of Sir William Stewart of Jedworth, was of the same age, and married about the same time with Sir John Stewart of Derneley: and the chronological events subsequent to that time will also better correspond; for that John Stewart, the son of Sir William of Jedworth, died in the year 1418, leaving a son, William Stewart, Lord of Dalswinton, who was then either of age or near to it, and was knighted before the year 1429, as in that year he was described William Stewart of Dalswinton, miles. On the other hand, Sir John Stewart of Derneley, the eldest son of Sir Alexander, lived till the year 1429, when he was killed in battle; and therefore instead of being considered, as in Mr. Williams's supposition, uncle to John Stewart, who died in the year 1418, leaving a son advanced in life, may well be considered as the contemporary of that John Stewart.

Another circumstance which operates against the supposition of Sir William Stewart of Jedworth having been the son of Sir Alexander Stewart of Derneley, is, that in all the charters from the Crown, or from the Stewart of Scotland, in favor of Sir John Stewart of Derneley, the son of Sir Alan, or of his brother Sir Alexander Stewart, or of his son the second Sir Alexander Stewart, the husband of Dame Janet Keith, they are always described as cousins to the Kings of Scotland; but though there are many charters extant from King Robert the II. and King Robert the III. in favor of Sir William Stewart of Jedworth, he is never in any one of these described as cousin, but only as *dilectus et fidelis noster*. This would not have happened if he had been the son of Sir Alexander Stewart of Derneley, who, as well as his son Sir John Stewart of Derneley, was uniformly described as *consanguineus regis*. And it is the more remarkable, that several of the grants from the Crown in the beginning of King Robert the third's reign in favor of Sir William Stewart of Jedworth, wherein he is described only *dilectus et fidelis noster*, were precisely at the same period when the king in other charters described Sir Alexander Stewart of Derneley as *dilectus consanguineus suus*.

Thus.

Record of
Charters, Roll
10. No. 11.

Thus it was that in a charter dated in the year 1391, granted by King Robert the III. to Thomas de Somerville and to Janet Stewart his wife, of the lands of Canmethan ; the King, in speaking of Sir Alexander Stewart of Derneley, the preceding proprietor of these lands, describes him as his beloved cousin.

About the very same period there were various charters in favor of Sir William Stewart of Jedworth, viz.

1st, A charter from King Robert II. to William Stewart of Jedworth, of the lands of Synlaw, dated 2d July 1385.

2d, A charter by King Robert the III. to Sir William Stewart of Jedworth, of the lands of Minto, dated 4th January 1391.

3d, A grant by King Robert III. to Sir William Stewart of Jedworth, of 40 merks sterling, dated 27th March 1392.

4th, A charter by King Robert III. to Sir William Stewart of Jedworth, of certain lands which had belonged to George Abernethy, dated 8th November 1392.

Notwithstanding these grants from the Crown in favor of Sir William Stewart of Jedworth were all of them so very near to the same period in 1391, when Sir Alexander Stewart of Derneley was in the royal charters described as cousin to the king, yet there is not a single instance of Sir William Stewart of Jedworth being so designed.

This could not have happened, if he, Sir William Stewart of Jedworth, had really been the son of Sir Alexander Stewart of Derneley, as supposed by Mr. Williams ; the more especially, as Sir William Stewart of Jedworth was a man of great eminence, distinguished by his military exploits and abilities, and in great favor at the court of King Robert III. where, if he had been the son of Sir Alexander Stewart of Derneley, that circumstance would not have been unknown at court, nor would the description of cousin to the King have been withheld from him.

But without resorting to a collateral proof of this sort, the proofs given in the preceding part of these observations, which shew that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown in 1402, and that he was tried, condemned, and executed, either in 1402 or 1403 ; and the proof, that he could not be the son of Sir Alexander Stewart,

Stewart and Dame Janet Keith, because his mother was of the name of Turnbull, and sister of John Turnbull of Minto; and the evidence arising from the age and circumstances relating to Sir William Stewart of Jedworth, and to his son John, married in 1396,—each of these different branches of evidence is, of itself, conclusive to prove, that Sir William Stewart of Jedworth could not be the son of Sir Alexander, or the brother of Sir John Stewart of Derneley, and of course, when taken jointly, the force of them must be irresistible for proving that proposition.”

[*End of the first Paper communicated to Mr. Williams in November 1794.*]

IN the same month of November 1794, the following Paper was also communicated to Mr. Williams, for the behoof of the Earl of Galloway.

MEMORIAL concerning the Pedigree of Sir William Stewart of Jedworth, the Paternal Ancestor of the Earl of Galloway.

IN a separate Paper, intitled “Observations upon the Papers drawn up by Mr. Williams on behalf of the Earl of Galloway,” it has been shewn, that Sir William Stewart of Jedworth, the ancestor of Lord Galloway, could not possibly have been the son of Sir Alexander Stewart of Derneley who died about the year 1400, nor the brother of Sir John Stewart of Derneley who was killed in France in the year 1429. But it now remains to shew, who Sir William Stewart of Jedworth really was, that is to say, to trace his pedigree from the most authentic documents that can be discovered.

Towards the end of the second volume of Nesbit’s Heraldry, there are historical and critical remarks on Prynne’s History, so far as concerns the submission and fealty sworn by the generality of the Scottish nation to King Edward I. of England, in 1296, 1297, &c. commonly called the Ragman Roll; and in page 2d of these remarks there is the following article:

“*John Senescall de Jedwith*: He, in the opinion of a very great antiquary*, was the same John Stewart, who is in other places of this fealty

* Mr. David Symson, Historiographer of Scotland.

“ designed *frater germanus Jacobi Senescalli Scotiæ*, grandfather to King
 “ Robert II. and was the root of the Stewarts of Buncle, and the same
 “ brave gallant man that was slain in the service of his country at the battle
 “ of Falkirk, anno 1298. He had many sons, of whom sprung a great
 “ many illustrious branches of the serene race of the Stewarts. Sir Alex-
 “ ander Stewart, his eldest son, designed of Buncle, was, upon the for-
 “ feiture of the English family of the Umphraville’s, created Earl of Angus,
 “ in the 1327. Sir Alan, another son, was the stem of the noble
 “ family of the Stewarts of Derneley, from whom flowed the Earls and
 “ Dukes of Lennox, which failed in the 1672, to whom his Majesty
 “ King Charles II. succeeded, as his nearest and lawful heir male. Sir
 “ Walter Stewart, the third son, of whom the Stewarts of Dalswinton;
 “ of whom are the house of Garlies, the Earls of Galloway, by an heir
 “ of line and at law. Sir James Stewart of Pierstoun in Cunninghame, of
 “ which Innermeath, Lorn, both Lords of Parliament, Rosyth and Cragie-
 “ hall, Gairntully and several of the illustrious families of the Stewarts, are
 “ branched. *John Stewart of Jedwith was the youngest son that I have*
 “ *seen any authentic voucher for*: he is designed, *Johannes Senescallus de*
 “ *Jedwith*, and is baillie to the Abbot of Kelso, in the 1323.—*William*
 “ *Stewart of Jedwith, and sheriff of Teviotdale, his son or successor,*
 “ in the reign of King Robert III. married his eldest son and heir apparent
 “ to Mariotta Stewart, only daughter and heir of Sir Walter Stewart of
 “ Dalswinton, anno 1397; of this double race of the Stewarts is the Earl
 “ of Galloway, as he is also of an heir female of another brother, as we
 “ have observed in this criticism.”

In the same Historical Remarks, page 30, there is the following article :

“ *John le Senescall de Jedwith*; if this be not Sir John Stewart of
 “ Buncle, as is generally agreed by our antiquaries, it must be a very
 “ ancient branch of the Stewarts: but, I conjecture, ’tis Sir John of Buncle,
 “ the same called *frater germanus Jacobi Senescalli Scotiæ*, swearing submission
 “ to the English, for different lands he held in different counties. There is in
 “ the 1323, a *John Senescall de Jedwith*, baillie to the Abbot of Kelso,
 “ *whom, we reckon, was Sir John’s youngest son, and one of the Earl of*
 “ *Galloway’s progenitors.*”

There

There is a Manuscript History of Lord Galloway's family, which was drawn up by George Crawford the antiquary, under the following title: "The Genealogical and Historical Deduction of the Stewarts of Dalswinton and Garlies, now Lord Garlies, and Earls of Galloway, from charters and other authentic vouchers, from the reign of Alexander III. till the present time—for near 500 years." In that History there is the following paragraph:

"Sir Walter Stewart of Dalswinton died soon after the 27th of April 1399, and his daughter Mariotta aforesaid became his heir, being then married to John Stewart, son and heir of Sir William Stewart of Jedwith, sheriff of Teviotdale. *His father was John Stewart of Jedwith, youngest son of Sir John Stewart of Buncle*, and got off in patrimony the lands of Jedwith from his father. In the Chartulary of Kelso I find this gentleman, *John Senescalli de Jedwith*, sitting as judge, and bailiff to the Abbot of Kelso, in the year 1323. Mr. Symson, that accurate antiquary on the Royal Family, especially with respect to the Stewarts of Dalswinton and Garlies, expressly mentions a John Stewart, as one of the sons of Sir John Stewart of Buncle, and that he was brother to Sir Alexander Stewart, the first Earl of Angus; Sir Alan Stewart, the first of the Derneley and Lennox branch; Sir Walter of Dalswinton; Sir James Stewart of Pierstoun; of whom the Stewarts of Lorn, Innermeath, Athol, Buchan, and Garntilly are all lineally descended. Beside the testimony of Mr. Symson, which I think is of no little weight, the lands of Jedwith being in the person of Sir John Stewart of Buncle himself, and so soon thereafter in the hands of another *John Senescalli de Jedwith*, who is not a knight, its somewhat more than a presumption, especially *in re tam antiqua*, that he was no other than Sir John Stewart of Buncle's son, and so a branch of the family of Lennox, who came to represent Sir John Stewart of Buncle as his heir male; and this the Sovereign himself acknowledges, that the house of Garlies was branched from the Duke of Lennox family, in the patent creating Alexander Stewart of Garlies, Lord Garlies, 1609. He married a lady of the family of *Turnbull*, of the house of Minto, by whom he had a son who was his successor in the lands of Jedwith, to wit,

“ *Sir William Stewart of Jedwith*, who made a very considerable figure
 “ in most of the great transactions between the two kingdoms of Scotland
 “ and England during the reign of King Robert the 3d. The first time
 “ he is to be met with in any public act or deed that I have seen, is in a char-
 “ ter granted to him by Joannes de Turnbull, miles, &c. whereby he gives
 “ and dispones dilecto nepoti suo Willielmo Senescalli terras de Minto et
 “ Morbelle; which is confirmed by King Robert the 3d, by a charter under
 “ the great seal, anno 1390.”

Then Crawford's Manuscript History, after relating that both the Earl of Douglas and Sir William Stewart of Jedwith were made prisoners at the battle of Homildown, proceeds thus :

“ Some of the prisoners were ransomed, but upon Sir William Stewart
 “ the English were very severe; for though in equity and justice he ought
 “ not to have been considered otherways than as a prisoner of war, as the
 “ rest of his countrymen; yet, as I conjecture, and not without just grounds,
 “ Sir Henry Percy, the English general, calling to mind Sir William
 “ Stewart's behaviour in the breaking down of the bridge of Roxburgh as an
 “ invasion, or rather an open breach of the truce, which was then in being
 “ betwixt the two nations, and for that reason appointed him to be tried cri-
 “ minally by law. The jury, though Englishmen, at first affoilzied [acquitted]
 “ him of the crimes laid to his charge; but the Lord Percy, who had a parti-
 “ cular resentment against him, because he was a good Scotsman and hearty
 “ enemy to the English, threatened the jury a second time to enclose and to
 “ find and declare him a traitor; and he suffered death accordingly, and
 “ fell a sacrifice to the resentment of the Lord Percy; which cannot but be
 “ censured in the conduct of a great man, to treat even a brave man, though
 “ an enemy, in so unworthy and inhumane a manner.”

Douglas, in his Peerage of Scotland, under the title of “ Galloway,” page 278, concurs in the same account of the descent of Sir William Stewart of Jedwith. The words in Douglas are, “ Dame Marion Stewart, daughter
 “ and sole heiress of Sir Walter Stewart of Dalwinton and Garlies, married
 “ her cousin John Stewart, son of Sir William Stewart of Jedburgh, sheriff
 “ of Teviotdale, and one of the greatest heroes of his time. He was son of
 “ Sir John Stewart of Jedburgh, *fourth son of Sir John Stewart of Bonkill,*
 “ younger

“ younger brother of Sir Walter of Dalswinton, great-grandfather of this
 “ Marion.”

“ He, in right of his wife, became possessed of the lands and baronies of
 “ Dalswinton, Garlies, &c. which appears by their contract dated anno
 “ 1396; and of this marriage the present Earl of Galloway is the lineal
 “ heir male.”

All the preceding authors concur in the same account of the descent and pedigree of Sir William Stewart of Jedworth; the only doubtful point amongst them is, that some of them have supposed James Stewart of Pierstoun to have been the fourth, and John Stewart of Jedworth to have been the fifth son of Sir John Stewart of Bonkill; whilst there are others who have asserted that John Stewart was the fourth and James Stewart the youngest son of Sir John. This last opinion seems to be the most accurate, which gives the seniority to John the ancestor of Lord Galloway.

No author down to the present time, has ever entertained an idea that Sir William Stewart of Jedworth or Teviotdale, the paternal ancestor of the Earl of Galloway, was the son of Sir Alexander Stewart of Derneley. On the contrary, it appears they were uniform in their opinions that he was descended from John Stewart of Jedworth, one of the younger sons of Sir John Stewart of Bonkill, the brother of James the High Stewart of Scotland. In one particular they seem to have been mistaken, in supposing him to have been the immediate son of that John Stewart of Jedworth, and the grandson of Sir John Stewart of Bonkill, who was killed at the battle of Falkirk in the year 1298; for that would be allowing more than one hundred years for two generations, from the death of Sir John Stewart in 1298 to the death of Sir William Stewart at the battle of Homildown in 1402, which is contrary to the chronological rules of calculation in matters of this sort. And as it is supposed that John Stewart of Jedworth, who was bailiff to the Abbot of Kelso in 1323, was the same person who was killed at the battle of Halidonhill in 1333, it is not very probable that the son of that person, even supposing him to have been young in the year 1333, could have been fighting battles at the distance of seventy years after the death of his father. But in the point now under discussion, it is of no consequence whether John Stewart, killed at the battle of Halidonhill in 1333, was the same person

with John Stewart mentioned as bailiff to the Abbot of Kelso in 1323, for his father Sir John Stewart of Bonkill and Jedworth having died in the year 1298, John the bailiff of the Abbot of Kelso must have been so far advanced in life in 1323 as to make it improbable that he should have had a son fighting battles in 1402. Therefore, there seems to be a necessity for supposing an intermediate generation between John Stewart of Jedworth, the son of Sir John of Bonkill, and Sir William Stewart of Jedworth or Jedworth Forest, killed at Homildown in 1402. But for supplying that intermediate generation, there is an article in Rymer's *Fœdera*, vol. vi. page 584, shewing that upon the 26th of January 1368, a safe-conduct was granted by the King of England to John of *the Forest* to come from Scotland to England.—The description is "*Johanni de Foresta, armigero de Scotia, cum uno equite.*" There is great reason to presume that this article related precisely to John Stewart of *Jedworth Forest*, or Jedwith; and if so, it will remove any difficulties with regard to the chronological pedigree of Sir William Stewart of Jedworth Forest, by making him the great-grandson, instead of the grandson of Sir John Stewart of Bonkill; for it would not have been at all probable that Sir John Stewart of Bonkill, killed at the battle of Falkirk in 1298, should have had a grandson fighting battles at the distance of 104 years after that period, as was the case with Sir William Stewart of Jedworth, who was taken prisoner at the battle of Homildown in 1402. But the additional generation discovered by means of the article in Rymer in the year 1368 removes the difficulty; for there is nothing improbable in Sir John Stewart of Bonkill having a great-grandson who lived till the year 1402*.

The facts concerning Sir William Stewart of Jedworth—his being taken prisoner at the battle of Homildown in September 1402—and his being soon thereafter tried, condemned, and executed, have been fully established in the separate paper intitled "Observations upon the Papers drawn up by "Mr. Williams." Referring to the proofs therein stated, it is unnecessary

* It is to be remarked, that Nesbit seems to have been aware of the chronological difficulty, in supposing Sir William Stewart of Jedworth to have been the immediate son of John Stewart of Jedworth, the youngest son of Sir John Stewart of Bonkyl; for he expresses himself more cautiously, by saying, that William Stewart of Jedwith, sheriff of Teviotdale, was the son or *successor* of John Stewart of Jedworth, the bailiff of the Abbot of Kelso, in 1323.

here

here to repeat them ; and it may be assumed as a certain fact, that Sir William Stewart of Jedworth died either in the year 1402, or, at the latest, in the beginning of the year 1403 ; for he was taken prisoner at Homildown on 14th September 1402, and soon thereafter, at the instance of Hotspur Percy, was tried, condemned, and executed ; but Hotspur himself was killed at the battle of Shrewsbury on 21st July 1403 ; therefore Sir William Stewart's trial and execution must have preceded that date.

In March 1403, about six months after the battle of Homildown, Henry IV. of England made a grant to the Earl of Northumberland of all the Lordships and Estates in Scotland which had been possessed by the three last Earls of Douglas, or by the present Earl, or by his mother Johanna ; and the grant also comprehended the county of Teviotdale, as a reward to the Percy family for their late successful expedition against the Scots. This is related in Redpath's Border History, where he refers to Rymer's *Fœdera*, vol. viii. pages 289 and 290.

Hence it appears, that the King of England had confiscated or seized the estates of the Earl of Douglas, and that he had likewise seized the comitatus and lordship of Teviotdale, which comprehended the lands and estate of Sir William Stewart of Teviotdale ; for the Earl of Douglas and Sir William Stewart had rendered themselves particularly obnoxious to the English King by their devastations in the north of England before the unfortunate battle of Homildown.

It is probable that the estates of the Earl of Douglas remained thus confiscated for several years, for the Earl remained prisoner in England during several years after the battle of Homildown. It was at last agreed that a thousand merks should be paid for his liberation ; whereof seven hundred merks were paid in the year 1413, as appears by a discharge for that sum granted in the first year of Henry V. of England, in these words :—" *Acquietantia pro septingentis marcis in partem solutionis* " mille marcarum pro liberatione Archibaldi comitis Douglas prisonarii " Regis."

Sir Joseph
Ayloffe's
Calendar of
Ancient Char-
ters, page 269.

With regard to Sir William Stewart of Jedworth, as he had been tried, condemned, and executed in England soon after the battle of Homildown, upon the pretence of his having been guilty of high treason, there

there can be little doubt that the King of England, who seems at that time to have acted as Sovereign Lord of the comitatus and dominium of Teviotdale, would lay hold of and confiscate the estate of Sir William Stewart of Jedworth and Teviotdale; whence it is most probable, that John, the son of Sir William Stewart of Jedworth, did not for many years reap much benefit from his succession to his father; but his marriage to Marion Stewart the heiress of Dalswinton, had, before the death of his father, put him in possession of a very considerable fortune in Dumfriesshire, which devolved upon him on the death of Sir Walter Stewart of Dalswinton, his father-in-law, about the year 1399 or 1400.

This John Stewart, the son of Sir William of Jedworth, never took the title either of Jedworth, or the Forest, or of Teviotdale, or of Minto, but was designed Lord of Dalswinton.

Accordingly, there is still extant, and in the possession of Mr. Murray of Broughton, an original deed of renunciation by John Stewart and Marion his wife, dated at Gyrton the 31st of October 1418, in which he is thus designed:—" Be it known by these present letters, me
 " John Stewart knight, Lord of Dalswinton, with consent of Marion my
 " wife to have quit-claimed, from us and our heirs, unto Sir John
 " Stewart of Gyrton and his heirs, all claim of right that by any manner of
 " ways we or our heirs had or might have in time to come of the barony
 " of the Calie, lying within the regality of Galloway and stewartry of Kirk-
 " cudbright *."

There

* This renunciation, dated at Gyrton the last of October 1418, was signed before these witnesses; " A hie and mightie Lord Archibald, Erle of Douglas, Lord of Galloway,
 " and of Annandyrdale, Schir Villiam of Douglas of Drumlangryg, Schir Alexander of
 " Gordoyne, John Durand knyght, vyz oyers mony."

There is also in the possession of Mr. Murray of Broughton, an original charter by the said Archibald Earl of Douglas, dated at Edinburgh the 6th of February 1418, which in modern style is 1419; by which the Earl gave and confirmed to his beloved cousin Elizabeth Stewart, daughter of Sir John Stewart of Gyrton, all those lands of Killick, with the pertinents, which belonged to the deceased Sir John Stewart, father of the said Elizabeth, lying in the constabulary of Kircudbright, and shire of Dumfries.

Hence

There is certain proof that John Stewart, Lord of Dalswinton, the husband of Marion Stewart, who granted the said renunciation in October 1418, had died either in the course of that or of the next year, or at latest in the beginning of the year 1420; for it appears from the Records in Scotland, that upon the 28th of October 1420 there was a charter granted by Murdoch Duke of Albany, as Governor of the kingdom, in favor of Harbart Maxwell of Carlaverock, of the lands of Garnfalloch, &c. lying within the barony of Dalswinton and shire of Dumfries, which lands were therein stated to have pertained heretably to Marion Stewart of Dalswinton, and to have been resigned by her *in her widowhood*, "*sua pura viduitate*," in favors of the said Harbart de Maxwell.

Here it may be observed by the bye, that Mr. Williams has supposed that John Stewart of Dalswinton had gone to France in the year 1419, along with the forces from Scotland, and that he had fallen in battle in the course of the first campaign; and further has supposed, that because the said renunciation of his right to the lands of Callie contained a clause stipulating that these lands should be redeemable on depositing twelve hundred marks, that therefore the sale of the lands of Callie was intended to defray a part of Sir John Stewart of Dalswinton's expences in the expedition to France, and the charges incurred by raising his contingent of troops. The answer to all which suppositions is, that there is not a vestige of evidence, or even of probability, in favor of any one of them. There is no clause of redemption in Sir John Stewart's renunciation in favor of Sir John Stewart of Gyrton, and the mention therein made of twelve hundred marks is not that the lands should be redeemable for that sum, but it is a penalty of twelve hundred marks, which Sir John Stewart of Dalswinton and his heirs were to pay Sir John Stewart of Gyrton and his heirs, in case they should ever act contrary to the renunciation then made.

Hence it appears that Sir John Stewart of Gyrton, in whose favour John Stewart, Lord of Dalswinton, had granted the beforementioned renunciation, upon the 31st of October 1418, had died before the 6th of February 1419.

MEMORANDUM.—One of the witnesses to this charter of the Earl of Douglas, upon the 6th of February 1419, is John Stewart, Earl of Buchan, the very person who commanded the Scots forces in the first expedition to France. It was subsequent to this date therefore at least that the first expedition to France took place.

With regard to Sir John Stewart of Dalswinton being engaged in the expedition to France, no author has ever said or insinuated any such thing, neither is there any manner of evidence for it. Mr. Williams has supposed it probable, that both Sir William of Jedworth and his son Sir John of Dalswinton were upon the French expedition, because Archibald Earl of Douglas, their superior and patron, was the Commander of it. But the fact is, that Archibald Earl of Douglas was not of the first expedition to France in the year 1419; he never was in France till the year 1423; therefore it was impossible that John Stewart, who, it has been shewn, died before the year 1420, could have attended the Earl of Douglas there. Nor could Sir William Stewart, the father of John, have attended the Earl of Douglas, as it has been shewn that the life of Sir William Stewart ended in the year 1402.

Even the very first expedition to France, to which the Earl of Douglas did not belong, and which was commanded by John Stewart, Earl of Buchan, the son of the Duke of Albany, did not take place till the end of the year 1419, or the beginning of the year 1420; and there was no action in France, in which the Scots troops were engaged, till the year 1421, at the battle of Beaugé, which was on the 22d of March 1421. Therefore, the whole of the story of Sir John Stewart of Dalswinton's expedition to France, and of his having been killed in the first campaign there, falls to the ground; and there is no reason to believe that he died any where else than in Scotland; and, most probably, in the course of the year 1419—most certainly, before the date of the said charter of confirmation, in October 1420.

Marion Stewart, the wife of Sir John of Dalswinton, survived her husband many years, and took for her second husband Sir John Forrester of Corstorphin.

To Sir John Stewart of Dalswinton succeeded his son William, who lived till the year 1477. There are not, either in the Records of Scotland or in Lord Galloway's charter chest, any papers which shew in what manner he made up his titles to the lands of Dalswinton and Garlies, and others which belonged to his father and mother in the county of Dumfries or in Galloway; nor any which shew whether he ever attained possession of
any

any lands which had belonged to his grandfather, Sir William Stewart of Jedworth, in the forest of Jedworth. Therefore Mr. Williams's argument in favor of the continuation of the life of Sir William Stewart of Jedworth, the grandfather, from the circumstance of it not appearing that William Stewart the grandson had taken infeftment of the lands of Minto till about the year 1429, falls to the ground; for the plain answer to such arguments is, that the old papers kept in private families, and the Records in Scotland at so distant periods, are so incomplete, that no argument can be drawn from what *does not* now appear; since, upon the same ground, it might be presumed, that William Stewart had never made up his titles to the lands of Dalwinton and Garlies, which were free from any dispute or difficulty.

It does appear, however, from some papers lately discovered in the charter chest of Sir Gilbert Elliot of Minto, that William Stewart, the grandson of Sir William Stewart of Jedworth, had either been in possession of the lands of Minto in Teviotdale in the year 1425, which was but five or six years after the death of his father John, or was at that time taking some steps for attaining that possession; for in Sir Gilbert Elliot's custody the following paper has been discovered.

An Original Notarial Instrument, dated 5th March 1425, attesting that upon that date there had been convened by Walter Turnbull of Minto, son of the deceased John Turnbull of Minto, *nobilis et conspecti viri*, to the number of twenty persons, who upon oath declared, that the said deceased John Turnbull of Minto, father of Walter, had, at the time of his making the grant of the lands of Minto in favor of Sir William Stewart of Jedworth, (to wit, in the year 1390,) been afflicted with a leprosy, as was publicly known in those parts, and that he had contracted this disease for the space of seven years before.

In that notarial instrument there is one thing material to be attended to, which is this: — that both John Turnbull of Minto, who had made the grant in favor of Sir William Stewart, and Sir William Stewart in whose favor the grant of the lands of Minto was made, are described as then *deceased*; for the word “quondam” is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart; and there cannot be a doubt that in both cases it had the same signification,

to wit, that Sir John Turnbull of Minto and Sir William Stewart were both of them deceased before the date of that instrument in the month of March 1425.

This deed itself would be sufficient to knock up all the hypotheses made by Mr. Williams, where he supposes that Sir William Stewart had lived down to the year 1429; and that he had been killed during the siege of Orleans in the same battle with Sir John Stewart of Derneley.

Aware of this, Mr. Williams has been at infinite pains to give to the word *quondam* a different interpretation from that which is universally established. He first assumes it as a fact, without any proof, that Sir William Stewart had gone to France about the year 1419, and had lived there till the year 1429; and then upon this assumed fact he builds a supposition, that on account of his absence from Scotland the notary in the year 1425 may have described him as *quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been resident in Jedworth for six or seven years past. It is sufficient to state an argument of this sort without refuting it."

There are a few more pages of the preceding memorial, but it is unnecessary to add them here, as they relate to the latter part of the Pedigree of Lord Galloway's family, which is well known and not disputed.

ANSWERS to the Statements in the Anonymous Publication, and in the Papers made out by Mr. WILLIAMS, on the part of the EARL of GALLOWAY.

THE two preceding Papers afford such a collection of facts as will enable any intelligent person to place in a clear point of view the merits or defects of Lord Galloway's case. This could not easily be accomplished without the aid of these papers, now for the first time printed; for most of the facts and arguments contained in them were not to be found in the
Genealogical

Genealogical History; where it was not the intention to enter into any minute discussion of the merits of Lord Galloway's pretensions, nor to point out what might be objected against them.

The object of the Genealogical History was to trace, from the most remote periods, the principal branches of the Stewart family, (omitting the Royal Line, which had been frequently discussed); to bring under view various successive generations of the Stewarts of Scotland, and of the Stewarts of Derneley, Lennox, and Aubigny, concerning whom there did not exist any historical or genealogical account, excepting such as were full of errors; it was, therefore, a particular point in view to correct those errors, and to do justice, though in an imperfect degree, to the merits and celebrity of some very distinguished characters in these families, whose names and actions, according to my estimation of them, ought not to sink into oblivion.

The object of
the Genealo-
gical History
explained.

In thus tracing the Genealogical History of the Stewarts down to the present time, it was unavoidably requisite to point out the line of ancestors from whom Cardinal York was descended; and, at the same time, to shew what branch of the family of the Stewarts would, after his death, be the representative of the Derneley branch.

The statement of these facts naturally led my attention to this point; What families or persons were likely to enter into the competition for that representation? and as I could find none whose pretensions could be brought forward with any chance of success, excepting those of Lord Galloway's family, and of the family of the Stewarts of Castlemilk in the county of Lanark, it became necessary for me to give some general account of the foundations of the claims competent to either of these parties; but it was not my intention to exhaust that subject, or to enter into such minute discussions as might be requisite in a legal proceeding. It was foreseen that if any thing of that sort should ever arise, Lord Galloway's pretensions would be more fully and more ably set forth and elucidated than could be attempted by me, upon whom there was no call for entering into such details; at the same time I had no hesitation to afford to Lord Galloway, or to any other claimant, an advantage which is generally reckoned to be considerable,
that

The necessity
of printing the
papers form-
erly commu-
nicated to Mr.
Williams.

that of laying open to them in detail the grounds on which the pretensions of the family of Castelmilk rested; which pretensions were stated merely as historical facts arising out of the Genealogical History, and certainly were not brought forward with any arrogance or ostentation, or any symptoms of contemptible vanity, though the unknown author of the "Genealogical History of the Stewarts refuted" has affected to ascribe these qualities to that history, and has chosen to consider it only under these points of view, as best suited to his purpose. Nay, he has in different places been pleased to impute to me an intention of studiously concealing, or avoiding to disclose the whole merits of Lord Galloway's case. Such insinuations sufficiently justify the more full account which is now given to the public; and particularly evince the necessity of printing the papers formerly communicated to Mr. Williams. These papers were communicated in a manner which deserved to be considered as friendly both to Lord Galloway and to himself; and which I thought would have been felt by them as much more liberal and attentive than if I had inserted in the Genealogical History Mr. Williams's erroneous statements and conjectures, and the refutation of them.

The Earl of Galloway, I am sure, will not complain of me, as I have been compelled, by his over-zealous advocate, to enter more fully than I had intended into the merits of his Lordship's case. It is an illustration of the old saying, that an injudicious friend is more to be dreaded and often does more mischief than a declared adversary.

Those who attentively peruse the two preceding papers, must perceive that it was essential for the Earl of Galloway to maintain, that his ancestor Sir William Stewart of Jedworth was the son of Sir Alexander, and the brother of Sir John Stewart of Derneley; and that he engaged in the French expedition with his brother Sir John, and remained in France till 1429, when both brothers were killed in the same battle during the siege of Orleans. Without establishing these facts, it was impossible to maintain that Lord Galloway could be the next in succession to the Derneley family, after the death of Cardinal York. But the perusal of the preceding papers must have suggested to every attentive reader, that, in opposition to these facts necessary to be established on the part of Lord Galloway, there are various objections which, at first sight at least, appear to be insurmountable.

Four

Four material Objections to the EARL of GALLOWAY's Claim necessary to be surmounted.

The first Objection is : That Sir William Stewart of Jedworth could not possibly be the Sir William Stewart who went to the wars in France with his brother Sir John Stewart of Derneley, in the year 1420 or 1421, and who was killed during the siege of Orleans in the year 1429; because it is ascertained by the concurring testimony of contemporary historians of the greatest credit, that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildon in the year 1402, and was tried, condemned, and executed, at the instance of Hotspur Percy, immediately thereafter. Objection 1st.

The 2d Objection is : That Sir William Stewart of Jedworth could not possibly have been the son of Sir Alexander, or the brother of Sir John Stewart of Derneley; because it is ascertained, in the most unquestionable manner, that Sir Alexander Stewart of Derneley married Dame Janet Keith of Galloway, who was the mother of Sir John Stewart of Derneley, and the mother of Sir William Stewart, and all the other children of Sir Alexander Stewart. But it is proved, with equal certainty, that the mother of Sir William Stewart of Jedworth was a person of the name of Turnbull, sister of Sir John Turnbull of Minto.—These facts make it, at least, difficult to evince the identity of the two Sir William Stewarts. Objection 2d.

The 3d Objection is : That, in point of chronology, Sir William Stewart of Jedworth, who had a son John marriageable, and actually married in the year 1396 to Marion Stewart, daughter of Sir Walter Stewart of Dalswinton, could not have been Sir William Stewart the brother of Sir John Stewart of Derneley; because, even if Sir William Stewart of Jedworth had not been prematurely cut off, in the manner before mentioned, in the year 1402, his age must have been inconsistent with the actions ascribed to Sir William, the brother of Sir John Stewart of Derneley. For it appears that Sir William Stewart of Jedworth, instead of being the son of the second Sir Alexander Stewart of Derneley, was in a generation contemporary with him; and that John Stewart, the son of that Sir William Stewart, Objection 3d.

Stewart, who married Marion, the heiress of Dalswinton, was in a generation precisely contemporary with Sir John Stewart, the eldest son of Sir Alexander. It would require a stretch of faith, therefore, to suppose that Sir William Stewart of Jedworth could have been that Sir William Stewart who went to the wars in France in the year 1420, and, after having been engaged for several years in active service, was at last killed in battle in the year 1429.

Objection 4th. The 4th Objection, which is also rather material, is: That there have been discovered among the title-deeds of Lord Minto's estate, in his charter-room at Minto, various original papers relating to a dispute between Sir William Stewart of Dalswinton, the grandson of Sir William Stewart of Jedworth, on the one part, and the son and grandson of John Turnbull of Minto on the other part, in relation to the property of those lands of Minto which in the year 1390, as before mentioned, had been disposed by John Turnbull of Minto in favor of his nephew Sir William Stewart of Jedworth. Amongst these papers there is the original instrument before-mentioned, dated 5th March 1425; the material part of which, as applicable to the present question, is, that both John Turnbull of Minto who had made the grant, and Sir William Stewart of Jedworth, in whose favor the grant of the lands of Minto had been made, are described as *then deceased*; for the word *quondam* is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart of Jedworth; and there cannot be a doubt that in both cases that word *quondam* had the same signification, to wit, that John Turnbull of Minto and Sir William Stewart of Jedworth were both of them deceased before the date of the Notarial Instrument in March 1425; therefore Sir William Stewart of Jedworth could not well be present at the siege of Orleans in 1429.

The objections which have now been stated will probably not be considered as trifling or immaterial, and it is particularly unlucky too, for Lord Galloway's pretensions, that it will not be sufficient to overturn any one, or two, or three of these four objections,

jections; but he will be under the disagreeable necessity of overturning all the four.

Of this Mr. Williams seems to have been aware, and therefore has exerted all his ingenuity to answer, or rather to elude and evade these four objections.

With regard to the first Objection, respecting the trial and execution of Sir William Stewart of Jedworth, in the year 1402, Mr. Williams, at first, endeavoured to elude it, by attacking the credit of the Scoti-Chronicon; and by averring, that there was no other book besides the Scoti-Chronicon which had mentioned the circumstance of Sir William Stewart's having been taken prisoner at Homildown, and put to death by the sentence of a jury instigated by Hotspur Percy. He further maintained, that the title of "*de Foresta*," given to Sir William Stewart in the Scoti-Chronicon, could not be applicable to Sir William Stewart of Jedworth. But both these assertions of Mr. Williams were refuted, by pointing out to him the additional evidence of Winton's Chronicle, where the same circumstances of Sir William Stewart's trial, condemnation, and execution, after the battle of Homildown, were particularly related, and where the description given of him was not that of "*de Foresta*," but that of Sir William Stewart of Teviotdale,—a designation which it cannot be denied belonged to Sir William Stewart of Jedworth.

Mr. Williams's answer to the first Objection.

Upon these additional proofs being communicated to Mr. Williams, he found that he could no longer maintain his original ground, by objecting to the Scoti-Chronicon, as the only work which had mentioned the fact in question. He therefore betook himself to the expedient of refusing the testimony either of the Scoti-Chronicon or of Winton's Chronicle, and to maintain that the united testimony of both of them ought not to avail, alleging, that in both there were some errors; and the nature of his argument is this: that because some errors may be discovered in the course of the extensive histories given by these authors, therefore no credit is to be given to them in any material particulars. The insufficiency of this mode of reasoning, or rather of cavilling, must be obvious.

H

After

After attempting in this manner to get rid of the evidence of the Scoti-Chronicon and of Winton's Chronicle, there still remained another difficulty for Mr. Williams to encounter: it was, the account given in the manuscript history of Lord Galloway's family, which was drawn up by George Crawford the antiquary; wherein the facts relative to the battle of Homildown, and its consequences, are stated in a manner which gives additional support to the material facts stated in the Scoti-Chronicon and in Winton's Chronicle, and accounts for the severity shewn by Hotspur Percy. *Vide* p. 36. where that passage from Crawford is inserted.

The easy method used by Mr. Williams for getting rid of the opinion and the state of facts given by Crawford, is, by alleging that Crawford was mistaken, or misled by others: at the same time it must be remarked, that both Mr. Williams and the anonymous author frequently appeal to that very history of Lord Galloway's family by George Crawford, upon other occasions, when it happens to serve their purpose.

Mr. Williams's answer to the second Objection.

With regard to the 2d Objection, founded on the fact that Sir William Stewart's mother was a person of the name of Turnbull, in palpable contradiction to the supposition of Sir William Stewart's being a son of Sir Alexander Stewart, who married Dame Janet Keith, the mother of all his children; Mr. Williams has resorted to a curious expedient, by supposing that Sir Alexander Stewart of Derneley was twice married, and that one of his wives was a person of the name of Turnbull, of the family of the Turnbulls of Minto. Thus, in the view of the evidence for Lord Galloway, made out by Mr. Williams in 1794, there is, in page 18, the following paragraph: "Sir Alexander Stewart *must* have been previously married, *probably* to a daughter of Sir John Turnbull of Minto, a very opulent family on the borders of Scotland at that period."

To this ingenious mixture of argument and probability, it might be sufficient to answer, that there is not a vestige of evidence to prove, or even to make it probable, that Sir Alexander Stewart of Derneley was twice married, or that he ever had any other wife than Dame Janet Keith. Mr. Williams has been called upon repeatedly to give proofs in support of his conjecture, or to point out any author who had ever said or insinuated that Sir Alexander Stewart of Derneley had been married to a person of the name

name of Turnbull, or even that he had been twice married: but it has never been in his power to produce any proof or authority in support of either of these conjectures.

On the part of the Castelmilk family it had been asserted, that Dame Janet Keith was the mother of Sir John Stewart of Derneley, and of the other children of Sir Alexander Stewart; and it was mentioned, that there is a charter granted by her, wherein she expressly describes and acknowledges Sir John Stewart of Derneley as her son; this was considered as affording some degree of proof at least; but Mr. Williams holds this to be no proof at all; and prefers to it a strange reasoning, founded solely on his own conjecture, that Janet Keith called Sir John Stewart of Derneley her son merely because he was her husband's son; and for supporting this conjecture, he says that several instances can be produced of similar applications of the word *son* to a person who was not the son of the wife but the son only of the husband. — To this shift Mr. Williams was reduced in order to evade the force of the second Objection.

As to the third Objection, founded on the chronological difficulties and inconsistencies, Mr. Williams has been at much pains to remove or to reconcile these: but it will be found that in the execution of his plan for that purpose, he resorts to his usual method of substituting conjectures and suppositions instead of any solid proof. The repetition of these conjectures here is avoided as being too tedious, and not of sufficient importance.

Mr. Williams's answer to the third Objection.

With regard to the fourth Objection, Mr. Williams's method of eluding it deserves particular attention. He could not deny that, if the ordinary and established meaning of the word *quondam* be admitted, the authentic original deed discovered in Lord Minto's archives, does ascertain the fact that both Sir William Stewart of Jedworth and John Turnbull of Minto were deceased before March 1425. Neither could he deny, that if Sir William Stewart was dead before the month of March 1425, he could not possibly be the same Sir William Stewart who lived till the year 1429, and was killed in the wars in France in that year. But the ingenious device resorted to by Mr. Williams for getting rid of these unfortunate objections is, by first assuming it as a fact, without any manner of proof, that Sir William

Answer to the fourth Objection.

Stewart of Jedworth had gone to France about the year 1419, and had not returned to Scotland for several years. Then, after assuming this fact without any proof, he builds upon it another conjecture or supposition, that on account of Sir William Stewart's supposed absence from Scotland from 1419 to 1425, the notary in drawing up his instrument in the year 1425, may have described him as *quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been resident in Jedworth for six or seven years past.

On reading answers of this sort, there is some difficulty in being persuaded that the author of them could be in earnest; or if he thought that such answers could be satisfactory in any quarter, he must have entertained a very mean opinion of the understandings of those to whom they were addressed.

Result of the
Objections and
Answers.

It may now therefore be taken for granted, that all the four objections above stated remain in full force. And it has already been observed that without refuting all and each of these objections, Lord Galloway's claim and pretensions must fall to the ground.

From the specimen which has been given of the mode of reasoning employed by Mr. Williams in supporting Lord Galloway's cause, and in which he has upon most occasions been faithfully and implicitly followed by his anonymous friend, it will excite no surprise to perceive the same mode of reasoning employed by these same authors upon other occasions. It may be proper however to point out some memorable instances.

Attempts to make it be believed, that Sir WILLIAM STEWART of JEDWORTH was the same person as Sir WILLIAM STEWART of CASTELMILK, and that he possessed both these Estates.

THE necessity of proving, or making it appear probable, that Sir William Stewart of Jedworth was the son of Sir Alexander and the brother of Sir John Stewart of Derneley, had for some years been so apparent to those who acted for the Earl of Galloway, that every effort has been employed to gain credit to these conjectures. In that view, the first thing necessary was

was to shew the identity of Sir William Stewart of Jedworth with Sir William Stewart of Castelmilk. There was, therefore, no hesitation in supposing, or asserting that the lands of Castelmilk in Annandale, as well as the lands of Jedworth in Teviotdale, had belonged to Sir William Stewart of Jedworth; and that, in consequence thereof, he was sometimes described as Sir William Stewart of Jedworth, and at other times as Sir William Stewart of Castelmilk. But of this fact, which, if true, admitted of many proofs, not one particle of evidence has been produced or referred to; though the fact be frequently asserted both by Mr. Williams and by his anonymous admirer.

The only appearance of an authority for the supposition of Sir William Stewart of Jedworth having been sometimes described of Jedworth and at other times of Castelmilk, is an assertion without proof, by George Crawford the antiquary, who, in his genealogical account before mentioned, made out for the use of the Earl of Galloway's family, says that Sir William Stewart was sometimes described of Jedworth and at other times of Castelmilk, and at other times Sir William Stewart sheriff of Teviotdale; all which designations he says were descriptive of the same person. This conjecture of Crawford's may have led some other authors who wrote after him into the same error. But if Lord Galloway place any reliance on this part of George Crawford's Genealogical History, he must at the same time adopt that other part of the same history where Crawford so positively affirms, and gives his reasons for believing, that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown, and that he was tried, condemned, and executed soon after; for it cannot be permitted to Lord Galloway, or to those who write for him, to adopt one part and to reject another part of that same Genealogical History. And if the truth of Sir William Stewart of Jedworth's death in 1402 be admitted, Lord Galloway may make what use he thinks proper of George Crawford's assertion or conjectures concerning Sir William Stewart's having been sometimes designed of Jedworth, and at other times of Castelmilk.

Suppositions

Suppositions adopted for making Sir WILLIAM STEWART of JEDWORTH's age correspond with that of a son of Sir ALEXANDER STEWART of DERNELEY.

IN order to make Sir William Stewart of Jedworth's age correspond with the age of a second son of Sir Alexander Stewart of Derneley, and to increase the probability of his being of an age proper for engaging in the wars of France from the year 1419 to the year 1429, it became necessary, in the next place, to remove any unfavourable impressions that might arise from the contract of marriage in 1396, which proved that Sir William Stewart of Jedworth had at that time a son John who was marriageable, and actually married in that year. For this, Mr. Williams had a very easy solution; for, without appealing to any proofs or authority whatever, he takes it for granted, that though the marriage ceremony was solemnized in the year 1396, yet that John and Marion Stewarts were then so very young that the cohabitation or completion of the marriage was deferred till they should attain maturer years. One may be allowed to ask from what quarter did Mr. Williams receive this information? — How came he to be let into those family secrets, which appear to have been unknown to any other author?

This mode of reasoning, and of substituting conjectures for proofs, has, however, been completely adopted by the anonymous writer, pages 51 and 52, for he too avers, "that Marion and John Stewarts were very young when they were betrothed; that the lady could not have greatly exceeded her *ninth* or *tenth* year; and that her husband was to all appearance not much older." And he likewise affirms that the marriage ceremony was early solemnized, and that "*the cohabitation was deferred to a maturer period.*" On reading the accounts given of this marriage, and of the transactions connected with it in the year 1396, by Mr. Williams, and by his anonymous friend, one would be tempted to think that both of them had been witnesses to the marriage, and had enjoyed the intimate confidence of the infantine married couple, to whose stature and juvenile appearance they seem to have paid particular attention.

Conjectures,
reasonings,
and facts
blended to-
gether.

A curious specimen of the mode of blending together conjectures, reasonings, and facts, or supposed facts, and with an appearance too of references to proofs in support of them, will be found in pages 14, 15, and 16, of

Mr. Williams's "View of the Evidence for Lord Galloway," &c.; and also in pages 54 and 55 of the anonymous book.

Let us first hear Mr. Williams's Statement.

Page 14, 15. "It is asserted in Harding's Chronicle, Redpath's History of the Borders, p. 367, &c. that at the expiration of the truce, about the end of the year 1400, Sir Richard Rutherford and his sons, *Sir William Stewart*, John Turnbull, surnamed *Out with the Sword*, &c. made an irruption into England, where they were attacked and taken prisoners by a superior force under the command of Sir Robert Umfraville. King Henry IV. ordered that the prisoners should not be ransomed, and gave directions that they should be carried to the Tower of London. Rymer, vol. viii. p. 162, &c. *."

By Mr. Williams.

Page 16. "On the accession of Henry V. to the throne, orders were given to set at liberty all the Scots prisoners confined in the Tower of London, Rymer's *Fœdera*, vol. ix. p. 5, &c. Whether Sir William Stewart was released at this period is uncertain. It appears probable however, if the following authorities may be confided in, and can be supposed to relate to him, that it was on this occasion that he obtained his liberty. Sir John Stewart of Derneley having been dispatched by the Dauphin to Scotland for reinforcements, he speedily returned (according to the historians of the time) with a very respectable armament; vide Duncan Stewart's *History of the Stewarts*, Mackenzie's *Lives*, vol. i. p. 363. Rymer, vol. ix. p. 795, &c. The following commanders are named among the chieftains who embarked on that expedition:—the Earl of Buchan and his brother, the Earl of Wigton, Sir John Swinton, Sir William Stewart, Sir William Douglas, Sir John Turnbull, &c." In an account of the battle of Cravant, 1423, preserved among the Harleian MSS. No. 782. Sir John Turnbull is mentioned as one of the Scots commanders who fell in that action. In Truffell's *Life of Henry VI.* page 124. a similar account is given. This, in all probability, must have been Sir John Turnbull, surnamed *Out with the Sword*, the constant com-

* It is not said in Rymer, or in any other book hitherto discovered, that Henry had given directions that the prisoners should be carried to the Tower of London. From what authority Mr. Williams has stated this fact does not appear.

"panion:

“panion of Sir William Stewart of Jedworth. In Hall and Grafton’s
 “Henry VI. vol. 24. “Sir William Stewart *lately delivered out of prison*”
 “is named among the commanders of the Scots forces in France.”

In this mixture of facts, and references ridiculously erroneous, there seems to be such a studied confusion, that it is not easy to guess at the precise points meant to be established by them. It may be proper, therefore, to see in what manner the same facts and references have been adopted by the anonymous author, who states them with less apparent confusion, but with more precise and positive assertion.

By the Anonymous.

The account given by him in pages 54 and 55 is thus expressed :

“Sir William Stewart, about the end of the year 1400, in conjunction
 “with Sir Richard Rutherford and his sons, John Turnbull, surnamed
 “Out with the Sword, and several other chieftains, made an irruption into
 “England; but, being suddenly attacked by a superior force under Sir
 “Robert Umfraville, the whole were completely surrounded and taken
 “prisoners *. King Henry IV. who had now succeeded to the throne of
 “England, issued orders to prevent the ransom of the Scottish prisoners,
 “and they accordingly were carried to the Tower of London †.

“It is not until the year 1419, when succours were sent from Scotland
 “to the Dauphin, afterwards Charles VII. of France, that we again hear
 “of Sir William Stewart. Henry V. it seems, not long after his accession,
 “permitted the release of the captives; and, on that occasion, *Sir William*
 “*appears to have regained his liberty.* By the historians who delineate this
 “period, “*Sir William Stewart, lately delivered out of prison,*” is named as
 “among the commanders in the French expedition ‡. The principal lead-
 “ers were the Earl of Buchan, the Earl of Wigton, (eldest son of Archibald
 “Earl of Douglas,) Sir John Stewart of Derneley, Sir William Stewart of
 “*Jedworth and Castelmilk*, Sir John Swinton, Sir John Turnbull, &c. seem-
 “ingly the same who was surnamed “*Out with the Sword*” §, the faithful
 “companion of Sir William Stewart in many of his enterprises.”

* See Harding’s Chronicle. Redpath’s History of the Borders, p. 367, &c.

† Rymer, Fœd. Angl. tom. viii. p. 162.

‡ Hall and Grafton’s Henry VI. v. 24.

§ See an account of the battle of Cravant preserved among the Harleian MSS. No. 782.

The paragraphs above quoted from the works of Mr. Williams, and of the anonymous author, are meant to supply the place of proofs, in order to establish various important facts; and as they are the only foundation on which the whole fabric is built, it may be proper here to point out precisely the various propositions which were meant to be established by them in favor of Lord Galloway's cause.

The object of the first part of the accounts given both by Mr. Williams and by the anonymous writer, was to get rid of the difficulty arising from the facts related in the Scoti-Chronicon and in Winton's Chronicle, which so clearly ascertained that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildown, and what followed upon it. For this purpose they have endeavoured to establish a belief, that Sir William Stewart was a prisoner in the Tower of London at the time of the battle of Homildown, therefore could not have been at that battle, nor suffered death in consequence of it.

The imaginary imprisonment of Sir William Stewart of Jedworth in the Tower of London.

There is no occasion to dispute the incursion made into England about the year 1400, by Sir Richard Rutherford and his sons, John Turnbull, and others, and their being defeated by Sir Robert Umfraville. Neither is it necessary to dispute, that King Henry IV. ordered that the prisoners taken on this occasion should not be ransomed: but there is no evidence that any of the prisoners so taken were ever sent to the Tower of London; or that there was any order of King Henry for that purpose. Nothing of that sort is to be found either in Rymer, or in any other author; for, admitting that King Henry gave an order against ransoming or setting free the prisoners, it does not follow, that all or any of them had been sent to the Tower of London;—still less is there any evidence of Sir William Stewart of Jedworth having ever been committed a prisoner to the Tower of London; nay, the name of Sir William Stewart is not found in Rymer's *Fœdera* on this occasion, or in any record mentioning the prisoners taken in 1400. And even if he had been taken prisoner and sent to the Tower of London, it would not follow from thence that he had been detained there for any considerable time, or that he was a prisoner there at the time of the battle of Homildown. And as there is very positive, strong, and direct evidence, from respectable contemporary authorities, that Sir William Stewart of

Refutation of that supposition.

Jedworth was at the battle of Homildown, and that he was there taken prisoner, and immediately thereafter tried, condemned, and executed:—such positive authority must greatly outweigh the loose and unfounded conjectures which have been brought forward by Mr. Williams, and adopted by his anonymous follower, for inducing a belief that Sir William Stewart of Jedworth was a prisoner in the Tower of London at the time of the battle of Homildown.

For the purpose of disengaging Sir William Stewart from the battle of Homildown, it was necessary that he should be supposed to have been a prisoner in the Tower of London at that time; but it was also necessary that he should be liberated from his confinement there before the expedition to France took place, that he might not miss the opportunity of embarking in that expedition. For this purpose, Mr. Williams says, that on the accession of Henry V. to the throne (which was in the year 1413) orders were given to set at liberty all the Scottish prisoners confined in the Tower of London;—then he adds, “whether Sir William Stewart was released “at this period is uncertain, but that it appeared *probable* however, that “it was on this occasion that he obtained his liberty.” This fact is stated with less ambiguity, and more positiveness of assertion by the anonymous writer, in these words: “It is not until the year 1419, when succours “were sent from Scotland to the Dauphin, afterwards Charles VII. of “France, that we again hear of Sir William Stewart. Henry V. it seems, “not long after his accession, permitted the release of the captives, and on “that occasion Sir William Stewart *appears to have regained his liberty.*”

The authority appealed to for this, is Rymer, vol. ix. p. 5.—But on consulting that authority, it by no means supports the assertion; for there is no mention there of the name of Sir William Stewart, or of his being liberated from custody at that time. On the contrary, the order, dated 12th April 1413, directed to the constable of the Tower of London, particularly mentions the persons * who were then to be liberated, without any

* Their names are, Jacobus de Douglas, Chivaler, Thomas de Hamylton, Johannes Aulway, Willielmus Bryson, Johannes de Bowys, Thomas Crac, Alanus de Ormylton, Johannes Lyonn, Gilbertus Cavane, Dogallus Dromond, Adam de Cockburn, Alexander Shell, Willielmus Akynhed, Georgius Shell, Johannes Dugan, Jacobus Patrici, Willielmus Bron, Bernardus de Cockburn, Johannes Peterson, Johannes Home, Willielmus Patrykson, Johannes Welles, Johannes Skymezour, and Gilbertus de Dalrympill.

mention of Sir William Stewart, who was a person so considerable and so well known both in England and Scotland, that it is most unlikely that his name should have been omitted if he really had been one of the prisoners released on that occasion.

After taking these preliminary steps to render it possible for Sir William Stewart of Jedworth to have embarked in the expedition to France in the year 1419, (notwithstanding his supposed confinement in the Tower of London in 1400, and his real trial, condemnation, and death in 1402,) Mr. Williams and his follower next endeavour to prove, that Sir William Stewart actually did embark in that expedition, and that he remained in France till the time allotted by them for his death in 1429. But neither his going to France, nor his remaining there, are supported by any proofs, or by any thing deserving the name of evidence.

Instances of false Quotations and of Misrepresentation of Evidence.

THERE is indeed in the anonymous book, p. 55. one paragraph concerning the commanders in the French expedition, which, if supported by evidence, would establish, in a satisfactory manner, two facts very material for the Earl of Galloway, to wit, 1st, That Sir William Stewart of Jedworth and Sir William Stewart of Castelmilk were one and the same person,—and 2dly, would establish with great certainty, that Sir William Stewart of Jedworth did actually belong to the French expedition, and was killed there in the year 1429.—The paragraph here referred to is in the following words: “The principal leaders were the Earl of Buchan, the Earl of Wigton, (eldest son of Archibald Earl of Douglas,) Sir John Stewart of Derneley, Sir William Stewart of *Jedworth* and *Castelmilk*,” &c.

Every person who reads the above sentence (which is given with the mark of quotation) must be persuaded that the author meant to convey this idea, that he had copied these names and descriptions from some faithful history or authentic record, in which Sir William Stewart is described as Sir William Stewart of *Jedworth* and *Castelmilk*. This, if true, would be material evidence indeed. — But there is nothing of this sort said or insinuated in any of the authorities appealed to by the anonymous author, or in any book

or record hitherto discovered. — In short, it rests upon no other than his own authority. — He alone is responsible for the deception practised by this mode of false quotation; for even Mr. Williams had not gone the length of pretending that there was any authority for describing Sir William Stewart who went to France, as Sir William Stewart of *Jedworth* and *Castelmilk*.

Another deception has been practised upon this occasion, for which both Mr. Williams and the anonymous author are equally responsible. Mr. Williams, p. 16. of the "View of the Evidence," &c. has the following expression: "In Hall and Grafton's Henry VI. vol. 24. 'Sir William Stewart lately delivered out of prison' is named among the Commanders of 'the Scots forces in France.'" And, to the same purpose, the anonymous author, p. 55. in relating the events of the year 1419, has the following paragraph: "By the historians who delineate this period, 'Sir William Stewart lately delivered out of prison' is named as among the Commanders 'in the French expedition.'" And the authority appealed to is the same with that to which Mr. Williams refers, to wit, Hall and Grafton's History of Henry VI. vol. 24.

From this mode of quotation, it was with some difficulty that the books referred to could be discovered: for there is no such book as Hall and Grafton's History; and no history by either of them that extended to 24 volumes. There is a very small book of the size of an Almanack, intitled "Manuell of the Chronicles of England to 1565, by Richard Grafton," printed in London, in 24mo. — In this Manuel there is not one word relating either to Sir William Stewart or to the leaders of the Scottish army in France. There is indeed a history, by Edward Hall, intitled "The Union of the Families of Lancaster and York," in one volume folio, which is sometimes mentioned under the title of Hall's Chronicle; but neither does that come up to the assertion concerning it.

It is to be presumed that both Mr. Williams and the anonymous writer had read the books to which they refer; if so they must have been perfectly sensible that their mode of quoting the evidence could serve only to mislead. Their purpose was evidently to make it be believed that the same Sir William

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liam Stewart of Jedworth, who, according to their erroneous representation, had been imprisoned in the Tower of London, and detained there from the year 1400 till released by King Henry V. in 1413, was the very person who was one of the leaders of the Scottish expedition to France in the year 1419; and they borrow the aid of some words in that history of Hall for supporting that supposition.

It is true that Hall has taken occasion to mention some of the battles in France between the English and French in the time of Henry V. and Henry VI. particularly those of Crevant and Rouvroy; and in giving an account of the battle of Rouvroy, fought in February 1429, and of the persons of distinction killed at that battle, he has expressed himself thus :

“ When they came to a town called Rouvroy they perceived their enemies
“ coming against them, to the number of 9 or 10,000 Frenchmen and Scots,
“ the Captains whereof were Charles of Clermont, son to the Duke of
“ Bourbon, then being prisoner in England, Sir William Stewarde constable
“ of Scotland, *a little before delivered out of captivity*, the Earl of Perdreache,”
&c. &c.

“ In this conflict were slain Lord *William Stewarde constable of Scotland*
“ *and his brother*, the Lord Dorval, the Lord Delabrette,” &c. &c.

But these passages have no relation to any event in England or Scotland, or to a Sir William Stewart *lately delivered out of prison* in either of these countries. For it will appear clear to demonstration, from what is immediately to be stated, that these passages in Hall relate, and were meant to relate to Sir John Stewart of Derneley, the constable of the Scottish army in France, who, having been taken prisoner at the battle of Cravant in 1423, had been detained in captivity till a little before the battle of Rouvroy; when, according to some authors, he was exchanged for Lord Pole, brother of the Earl of Suffolk; though other French authors say that he was exchanged for the Marshal Toulangeon. It was of that Sir John Stewart, the constable of the Scottish army, and of his release from captivity in France, that Hall evidently meant to speak. But that passage, and particularly that expression of “ *lately delivered out of captivity*,” have been made use of by Mr. Williams and by the anonymous writer, as proofs that Hall meant to describe Sir William Stewart of Jedworth as a person lately delivered out of the Tower of London, or, according to
their

their own phrase, lately delivered *out of prison*; by which they meant to convey the same idea, and instead of repeating the words made use of by Hall "lately delivered out of *captivity*," substituted the words "lately delivered out of *prison*," that it might the more readily convey the idea of a deliverance from his supposed prison the Tower of London.

There are infallible circumstances, which put it beyond a doubt, that Hall had inserted the name of William by mistake, in that passage, instead of the name of John. It is impossible for any person who reads the account given by Hall, and who has any knowledge of the history of those times, not to perceive that the person to whom that account refers, was Sir John Stewart of Derneley, the constable of the Scottish forces in France; for Hall's description of Sir William Stewart as the constable of Scotland, is one circumstance for pointing out the mistake; there was no Sir William Stewart either constable of Scotland or constable of the Scottish army in France; that office belonged solely to Sir John Stewart of Derneley, the elder brother of Sir William. The mistake is further made evident from other parts of his history: thus, fo. 85. in giving an account of the battle of Cravant, Hall expresses himself thus: "In this very season the Dolphin sent *Lord William Stewarde constable of Scotland*, and the Earl of Ventadour in Auvergne, and many other nobles of his part, to lay siege to the towne of Cravant." — And among the prisoners taken on that occasion, Hall mentions "*the constable of Scotland which lost his eye*."

It is well known, and is ascertained beyond a doubt, by the writings of every French and British author who has ever treated of the subject, that Sir John Stewart of Derneley was the General of the Scottish force at the battle of Cravant, and that he lost an eye and was taken prisoner at that battle. Nobody will pretend that the same circumstances happened also to a Sir William Stewart; therefore it must have been very obvious to the meanest capacity, that what Hall says of a Sir William Stewart constable of Scotland, and of his losing an eye and being made prisoner at the battle of Cravant, could only apply to Sir John Stewart of Derneley, the elder brother; though the name of William had by him been inserted by mistake, instead of that of John Stewart.

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The meaning of these paragraphs in Hall is so obvious that it was scarce possible for any person to mistake them ; yet both Mr. Williams and the anonymous writer have, by their modes of quotation, and by their inferences from them, endeavoured to pervert the passages in Hall's history, and to use them as positive proofs that Sir William Stewart of Jedworth was in the expedition to France in the year 1419, and one of the leaders of it. The anonymous writer, in particular, appears to have trusted greatly to his arguments and inferences drawn from the circumstance of Sir William Stewart being mentioned as *lately delivered out of prison* ; he places much emphasis on that expression, as involving in it a great deal of proof ; thus, p. 93. his words are : " But lest any doubts should remain as to the identity of the brother of " Sir John Stewart of Derneley, he is expressly described as " Sir William " Stewart *lately delivered out of prison* ;" having regained his liberty, as has " been already related, soon after the accession of Henry V. to the " English throne." Hall, however, does not pretend to give any account of the leaders engaged in that expedition ; neither has that part of his book any reference to events in England or in Scotland ; what he there treats of relates solely to events in France. The expression in Hall is "*a little before* " delivered out of captivity." Though this applies very well to Sir John Stewart of Derneley's deliverance from captivity, by an exchange prior to the battle of Rouvroy in 1429, after being made prisoner of Cravant in 1423, yet it could not be well applied to a person released soon after the accession of Henry V. in 1413.

In short, Hall's account differs in every essential particular from the use that has been made of it ; for it relates to a different *person* and a different event, which happened in a different country and at a different *period*.

The purposes to which the particulars in Hall have been perverted, both by Mr. Williams and his anonymous friend, are to prove that Sir William Stewart of Jedworth had, in the year 1419, a little after his being released out of prison in the Tower of London, (where by the bye he never was,) engaged in the expedition then fitting out from Scotland to France ; that he was one of the leaders in that expedition, and that he had remained in France till the year 1429, when killed at the battle of Rouvroy.

After

After such instances of false quotations and palpable perversion of evidence, what reliance can there be on the fidelity of the assertions, conjectures, or arguments of these two authors or either of them?

The real fact is, that Sir William Stewart of Jedworth never belonged to the French expedition. No historian of those times has ever said that he did belong to that expedition. Mr. Williams and the anonymous author have, however, after the communication of my papers, thought proper to transfer to Sir William Stewart of Jedworth all the facts and circumstances which I had discovered relating to Sir William Stewart of Castelmilk, the real brother of Sir John Stewart of Derneley. Thus they apply to their Sir William Stewart the articles which I had discovered in the French records at Paris, really appertaining to Sir William Stewart the brother of the constable of Scotland; and they likewise apply to Sir William Stewart of Jedworth all that I had discovered in the French historians concerning the employment and services of Sir William Stewart, the real brother of Sir John of Derneley, during the siege of Orleans; and the behaviour of the two brothers when they lost their lives at the battle of Rouvroy. In short, they have applied to their Sir William Stewart all the facts and circumstances gathered by them from the papers containing the discoveries I had made in France, and of which they never had any idea till they had seen these papers.

Such is the true and faithful interpretation of Mr. Williams's dreams and reveries concerning Sir William Stewart's confinement as a prisoner in the Tower of London in the year 1400; his release from thence upon the accession of Henry the Vth in 1413; and his consequent employment about the year 1419, as one of the leaders of the Scottish expedition to France. All these visionary events have vanished on their being brought to the test of proofs, and to a comparison with certain established historical facts.

Mr. Williams, indeed, has had the good, or bad fortune to meet with one very complaisant friend and professed admirer, who has not only adopted all his reveries, but has shewn a ready disposition to go even beyond him in the marvellous or incredible. From this anonymous friend he has had the benefit of every support in his power to give, for endeavouring to reconcile the greatest improbabilities, or the grossest absurdities.

Not

Not satisfied with having engaged Sir William Stewart of Jedworth in the French expedition, these two modern authors have gone one step further, by embarking in the same expedition John Stewart who married Marion, the heiress of Dalswinton; and they have supposed him to have been engaged in active service, and to have lost his life in battle in France, in the first campaign after his arrival there, about the year 1420. It will be found that the whole of the part thus allotted to John Stewart, the son of Sir William, is a work of imagination, with no other foundation than their own assertions or conjectures.

Account given by the Anonymous Author of the Expedition to France, and of the Persons embarked in it.

THE following assertions are made by the anonymous author from page 58 to page 64.

“ When Sir John Stewart of Derneley embarked for France in 1419,
 “ it appears that he was accompanied by a considerable number of
 “ friends and kinsmen, as well as a most respectable body of military
 “ retainers. His brother *Sir William Stewart of Jedworth*, and *his cousin*
 “ *Sir Alan Stewart of Allantown*, were, *without doubt*, among the number
 “ of those who engaged in the expedition. It is likewise *believed*, and with
 “ considerable *probability*, that both the sons of the former took up arms
 “ in the same cause.”

The mode of proving the facts above stated, is by asserting that there can be *no doubt* that these facts happened.—It is not easy to answer this method of appealing to facts declared to be indubitable; but it would have been rather more satisfactory to have appealed to some proofs.

I, in common with many others accustomed to legal evidence and correct proofs, have the misfortune of not being completely convinced by this mode of stating facts. It would have been esteemed a particular favor if the author of the above indubitable assertions had been so good as to have indicated any book or record where it is said, or even insinuated, that Sir William

Stewart of Jedworth ever accompanied Sir John Stewart of Derneley to France ; or where it is mentioned that Sir Alan Stewart of Allanton was of the party ; for I do declare, that in all my researches I have never found any real authority, either in French or English records or books for either of these facts. As to the last of them, it is a matter of no consequence ; only as it is the first time that this new personage, Sir Alan Stewart of Allanton, has been united to the French expedition, I have a little curiosity to know by what means, and for what purpose, this Sir Alan Stewart has been brought into the field*.

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* It is not impossible that this introduction of Sir Alan Stewart upon the French theatre, may have taken rise from the same conversation which is related in pages 137 and 138 of the anonymous book, where the author gives an account of what had passed between him and his friend, Mr. Stewart of Allanton, on the subject of what he calls an unaccountable omission in the table prefixed to the genealogical history drawn up by me. He says, that Sir Robert, the sixth son of Sir John Stewart of Bonkyl, whose descendants formed one of the most extensive branches of the Stewart race, had been there omitted, which omission, he takes notice, is now supplied by him in a genealogical table subjoined to his book.

Though the conversation thus related by my latent antagonist contains heavy charges against me, yet as it exhibits a perfect model of decency, gentleness, and urbanity of expression, I cannot abstain from inserting the whole of what is stated by him on that subject, in his own words :

Page 137. " Before I filled up the place of the sixth son of the house of Bonkyl in my genealogical sketch, I thought it right to apply to the person at the head of that branch of the name (Mr. Stewart of Allanton) in order to learn, why the existence of a race so uniformly recorded by every genealogist, since the time of Symson, was at length arbitrarily suppressed by the author of the Genealogical History of the Stewarts ? The gentleman just now mentioned, after producing to me very satisfactory documents of his descent from the above Sir Robert Stewart, who was designed ' of Daldue,' made answer nearly to the following purport :—" The question, Sir, which you put, I know not if I can well answer ; as, ever since I saw Mr. Andrew Stuart's book, the circumstance has puzzled myself ; I cannot conjecture why the author of that work (in which no labour of investigation seems to have been spared) did not, on the point in question, prefer a more to a less obvious source of intelligence, a direct application to myself (which he never made) to the lower office of retailing the ignorance of Symson, or the ambiguities of Duncan Stewart. The only reason I can conceive is, that perhaps he thought the descendants of a sixth son of the house

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The account given by the anonymous author, of the persons who accompanied Sir John Stewart of Derneley to France in the year 1419, has been stated above. He then proceeds, page 60, thus:

“ Previous

“ of Bonkyll were beneath the notice of an ambition, which was endeavouring to grasp at the honours of the *first*. Or, perhaps, his opinion may have been, that the highest merit consists in the most remarkable *singularity*; and, therefore, in his invasion of the rights of Lord Galloway, as he had advanced a theory peculiar to himself, so another opportunity, like the present, might not easily occur, for evincing how completely he differed from every writer of established credit. As you, Sir, have undertaken, on the part of the noble Earl, to refute the dogmas of a self-deluded genealogist, I shall take it kind if you will adopt some method of entering this my protest against the usurpations of a self-created dictator.”

“ I hope the above gentleman, who has certainly some cause of complaint, will think that I have not been neglectful of either the one or the other of these objects; and that I have reported his protest with due fidelity.”

Having thus shewn the full extent of the charge brought against me, I may now be permitted to say a word or two in my own defence.

Soon after the publication of the Genealogical History, I learnt from a very respectable acquaintance of mine, connected with the family of Mr. Stewart of Allanton, that his friends were rather surprised, and regretted that I had not, in that work, and in the table prefixed to it, traced the ancestors of the Allanton family. My answer was, that I was very ready to do so, if I had any proper authority to appeal to; which I had not hitherto been able to discover. As I had a regard for the gentleman who thus applied to me, I thought it incumbent on me to explain to him how this matter stood, and accordingly I wrote to him the following letter:

“ DEAR SIR,

Lower Grosvenor-Street, Dec. 18, 1798.

“ I am favoured with yours of this day's date, and in consequence have looked at the table prefixed to the Genealogical History, where, in mentioning the descendants from the first Sir John Stewart of Bonkyll, there is the following N. B. “ Some authors have mentioned, though doubtfully, the existence of two other brothers, Hugh and Robert, but there is no certain evidence concerning them, or any person descended from them.”

“ The above *notandum* is in effect nothing more than repeating the words or doubts expressed by the genealogical writers concerning the existence of Hugh and Robert, or concerning any posterity from them. For you will observe, that Symson in his history of the Stewarts, published in the year 1712, expresses himself thus:

“ 6th and 7th sons—Sir Hugh and Sir Robert, mentioned by Holinshed, in his Chronicle of Ireland, anno 1318,—*whose existence I am not to defend.*”

“ Previous to the year 1418, (but how long it is uncertain,) Marion
 “ Stewart lost her father : on this her husband, succeeding to the ample
 “ possessions of the latter, became Sir John Stewart of Garlies and Dal-
 “ swinton,

“ This manner of expressing himself shews clearly that Symson did not believe the
 “ existence of Hugh and Robert as sons of Sir John Stewart of Bonkyll.

“ Duncan Stewart, in his history of the Stewarts, published in the year 1739, says, that
 “ Sir John Stewart had by his wife Margaret seven sons and a daughter ; and in enumerating
 “ the sons, mentions Hugh as the 6th and Robert as the 7th son, but Duncan Stewart here
 “ adds these words : “ It is not discovered who are come of the two last brothers, or if
 “ there are any come of them, unless it be allowed that Allanton is come of one of them ;
 “ for, by their own traditional account, their predecessor was an immediate younger brother
 “ of Castelmilk.”

“ Symson and Duncan Stewart being the only genealogical writers in whose works I have
 “ found any mention of Hugh and Robert as sons of Sir John Stewart of Bonkyll, and that
 “ expressed in the way abovementioned, and never having seen any certain evidence of the
 “ existence of Hugh and Robert, or of any posterity descended from them, I could not, in
 “ that situation, express myself otherwise than I have done in the *notandum* on that subject.
 “ But if any person can shew certain evidence concerning Hugh and Robert, or posterity
 “ descended from them, that *notandum* must go for nothing. And if any satisfactory evi-
 “ dence could be shewn to me of a mistake either in this or in any other part of the book,
 “ I should with great readiness embrace the very first opportunity of correcting the error ;
 “ which might be done in the next edition that comes out of the book.

“ As to the Tree referred to in your letter drawn up by a person of the name of Brown,
 “ who has mentioned Robert as the ancestor of the Allanton family, I have seen the Tree,
 “ and know the history of it, and can assure you that it is no authority whatever, and
 “ never will be considered as such. Indeed no Genealogical Tree is deserving of credit, or
 “ can be considered as a proof of facts, without specifying and referring to the proofs from
 “ which the Tree is made out.

“ If Mr. Stewart of Allanton is possessed of any very old papers, tending to shew what
 “ lands belonged to his ancestors in remote times, it might be very practicable to ascertain
 “ the genealogy of his branch of the Stewarts, in such a manner as would be satisfactory for
 “ shewing, whether most credit was due to the traditional account of their being descended
 “ from a younger son of the Castelmilk family, or from a Robert Stewart, supposed to have
 “ been seventh son of Sir John Stewart of Bonkyll.—And it must be abundantly evident,
 “ that it would be more desirable for the Allanton family to be descended from a son of
 “ the Castelmilk family, who are descended from the second son of Sir John Stewart of
 “ Bonkyll, than to connect their pedigree and descent with Robert, the seventh son of Sir
 “ John Stewart of Bonkyll ; especially considering all the doubts that have been thrown out
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“ swinton, and resigned, according to a practice very usual with his family,
 “ his lands of Castelmilk to his younger brother Sir William. The sale
 “ of the estate of Kelly in 1418, and of that of Garnfalloch two years after,
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“ by authors relative to the reality of the existence of that seventh son. But the determin-
 “ ation, in matters of this sort, must depend upon the facts indicated by the ancient title-
 “ deeds; and of this, Mr. Stewart of Allanton and his friends will be the best able to
 “ judge. I am, &c.

“ AND^r. STUART.”

I had no objection that my correspondent should communicate this letter to his friend Mr. Stewart of Allanton; and I presume that he did so. But perceiving from the anonymous book published since that time, that the author of it says, that Mr. Stewart of Allanton had produced to him very satisfactory documents of his descent from Sir Robert Stewart, son of Sir John Stewart of Bonkyll, which documents, however, he has not chosen to produce to me, or to any person of my acquaintance, I took the trouble of again examining all the materials within my reach concerning the descendants from Sir John Stewart of Bonkyll; being resolved, if I had been guilty of any error or omission, to take the very first opportunity of repairing it; especially as I have a great respect for some of the branches descended from the Allanton family, and have long lived in friendship and connexion with them, particularly with the families of Sir James Stewart of Coltness and of Sir John Stewart of Allbank. But this further investigation of what related to the family of Sir John Stewart of Bonkyll has produced a certainty, that he, Sir John Stewart of Bonkyll, never had a son of the name of Robert; and that the introduction of Robert and of Hugh Stewarts, as sons of Sir John of Bonkyll, had taken rise merely from a false interpretation by Symson of a passage in Holinshed's Chronicle of Ireland. This is fully explained in pages 1, 2, 3, of these Corrections and Additions.

Such being the result of the additional investigations to which I was compelled by the anonymous author, I cannot help observing, that there must certainly be something particularly noxious in having any connexion with him; for I am afraid it will be found, that Mr. Stewart of Allanton's family have as little obligation to him as the Earl of Galloway's.

I have felt much regret at the necessity I have been under of bringing forth such undeniable proofs that the family of Allanton are not descended from Sir John Stewart of Bonkyll, brother of James, the High Stewart of Scotland. This may not prove any matter of regret to those branches of that family with whom I have had the pleasure of being long connected; but I very much fear, that Mr. Stewart of Allanton, who had the conversation with the anonymous author, and who shewed to him the satisfactory documents he mentions, may be rendered somewhat uneasy, I hope, however, he will revenge himself upon the anonymous author, who well deserves his utmost resentment, and that he will endeavour to forgive me for my involuntary act.

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“ seem to have been brought on by the heavy expences incurred in raising
 “ his contingent of troops for the French expedition. The common opi-
 “ nion states, that he was killed in France, in 1419 or 1420, soon after
 “ the arrival of the Scottish forces. However that may be, it is unquestion-
 “ able that he did not long survive that event, for his lady had become a
 “ widow at the close of the last-mentioned year.”

All these facts and conjectures had been asserted or insinuated some years ago by Mr. Williams, in his papers which I had occasion to peruse ; and as he had the benefit of my written observations upon them for correcting his errors, I imagined that he would have found it more prudent to have avoided the repetition of them. These observations were inserted in the Memorial concerning the Pedigree of Sir William Stewart of Jedworth, and being now printed from page 33 to page 44 of these Additions, I beg leave to refer to them.

It there appears, that Sir John Stewart of Dalswinton certainly died before the 28th of October 1420, and may have died a considerable time before that period, as Marion Stewart, in a charter of that date, granted by Murdoch Duke of Albany, is described as his widow ; therefore, her husband, Sir John Stewart, who was alive in October 1418, must have died either in that year, or in the year 1419, or before the month of October 1420. If he died either in the year 1418, or in the year 1419, at any time

I have no doubt that upon examining old records and charter chests, as well as the papers said to be in Allanton's own possession, the true ancestors of the Allanton family may be discovered, and that they will be found to have been persons in great and honorable situations ; for it is universally allowed, that several of the younger branches descended from the Allanton branch of the Stewarts were men who, from their talents and characters, would have reflected honor upon any line of ancestry ; and, for the sake of those younger branches, I should have been very happy to have contributed my best endeavours for discovering and ascertaining their true genealogy. At any rate, I am persuaded, that the real friends of Mr. Stewart of Allanton's family, and particularly the members of the families of Coltness and Allanbank, and their connexions, will be of opinion, that the suggestions and advice contained in my letter above inserted were friendly, and, if followed, might have led to something much more satisfactory and useful than the attempt of adhering to the very uncertain, and now refuted opinion of a descent from Sir Robert Stewart, the supposed seventh son of Sir John Stewart of Bonkyll.

before

before the end of that year, it must have been before the expedition to France took place ; for that expedition did not happen till the end of the year 1419, or the beginning of 1420 at soonest. But if he died at any time even of the year 1420, then he could not have lost his life in any battle in France, as both Mr. Williams and the anonymous author pretend, for it is certain that the first action in France at that period in which the Scottish troops were engaged was the battle of Beaugé, fought on the 22d of March 1421.

As to the idle conjecture relating to the sale of the lands of Cally and Garnfalloch, as having been occasioned by the imaginary charges to which Sir John Stewart was exposed by raising his contingent of troops for the French expedition, the refutation of it will also be found in the pages above referred to.

In various parts of the papers made out by Mr. Williams and by his infallible follower, it is asserted and taken for granted, without any proof, that Sir William Stewart of Jedworth, having been proprietor of the lands of Castelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale, had in his own lifetime given the lands of Castelmilk to his eldest son John, the husband of Marion Stewart ; and that this eldest son John, having succeeded to the estate of Dalswinton *, resigned, according to a practice usual with his family, his lands of Castelmilk to a younger brother, Sir William Stewart of Castelmilk, who, according to their account, was the ancestor of the Stewarts of Castelmilk in Lanarkshire.

The whole of this story about Sir William Stewart of Jedworth, his possession of the lands of Castelmilk, and the transmission of these lands, first,

* The time of the death of Sir Walter Stewart of Dalswinton is fixed, by George Crauford, to have been in the year 1399 ; for in his Genealogical History of the house of Garlies and Dalswinton, there is the following paragraph : " Sir Walter Stewart of Dalswinton died soon after the 27th of April 1399, and his daughter Mariotta became his heir, being then married to Sir John Stewart, son and heir of Sir William Stewart of Jedworth, sheriff of Teviotdale."

In the anonymous book, p. 60, it is said, " that on Marion Stewart losing her father, Sir Walter Stewart of Dalswinton, her husband John became Sir John Stewart of Garlie and Dalswinton."

from

from him to his eldest son, Sir John Stewart of Dalswinton, and, then, from him to a supposed younger brother William, is a work of imagination similar to the assertion which has just now been refuted, of Sir John Stewart of Dalswinton having engaged in the expedition to France, and of his having been killed in a battle there. For it is positively denied that the lands of Castelmilk in Annandale ever, at any period, belonged either to Sir William Stewart of Jedworth, or to his son, Sir John Stewart of Dalswinton. Or that they were given by Sir John Stewart to a younger brother William, of whose existence there is no proof that can stand examination. All this superstructure rests on no better foundation than some passages in George Crawford's history, of which an account is given in pages 328, 329, 330. And the chief reliance for what relates to John seems to be placed upon an instrument of resignation of the lands of Fulton, made by William Urry in favor of the Monks of Paisley, anno 1409. In which instrument one of the witnesses mentioned by the notary is John Stewart of Castelmilk. From this circumstance, without any collateral or other proof, it has been inferred by Mr. Williams and by his follower, that the John Stewart there mentioned as a witness must have been precisely Sir John Stewart of Dalswinton, the husband of Marion Stewart; and it is held by them to be of itself complete evidence that this John Stewart was proprietor of the estate of Castelmilk in the year 1409.

The answers and objections to this inference have been fully stated in the Genealogical History, note, pages 330, 334; where it was shewn that there was reason to suspect inaccuracy either in the name or description of John Stewart, witness to that resignation; but supposing there were no inaccuracy, it was averred and maintained, that there were other infallible facts and circumstances which render that instrument of William Urry's of no manner of consequence in the question about the successive representatives of the Castelmilk family.

Though I mentioned the apparent inaccuracy in the copy of Urry's instrument of resignation, taken from Richard Hay's Cartulary, it was stated as a matter of inferior moment, and only given in a note, where the precise nature and extent of the inaccuracy were alleged merely as reasons for
having

having recourse to better evidence if it could be got. And as it could not be denied, that there was some apparent inaccuracy in the manner in which John Stewart was mentioned in the testing clause, it was observed, that the accuracy of that instrument taken from Richard Hay's copy of the Cartulary of Paisley, in the Advocates' Library at Edinburgh, could not be completely relied upon, without either seeing the original deeds themselves which authorised the insertion of a copy of it in the Paisley Cartulary, or without some evidence that Richard Hay's copy of that Cartulary had been compared with the original.

The observations made on this subject will appear to be very natural to any person who candidly reads what is stated, pages 330, 331. But the anonymous author has thence taken occasion to give a very unfair representation, and to allege that I had insinuated that the copy of the Cartulary of Paisley in the Advocates' Library, was a *record of no authority whatever*. And proceeding upon this false idea, he has dedicated many pages of his book, from page 102, to a commentary upon my denial of the authority due to Richard Hay's copy of the Cartulary of Paisley.

Unfair representation of what had been said concerning the Cartulary of Paisley.

It is very easy to point out the fallacy of these elaborate commentaries. What had been said by me amounted only to this: that when in any record, or copy of a record, there is a reason pointed out for suspecting an inaccuracy, and where there may be better evidence to appeal to, complete reliance cannot be given to the copy without having recourse to that better evidence. It is a maxim in every court acquainted with the rules of evidence, that a person appealing to evidence ought to produce the best that the nature of the case will admit. It cannot be denied that in the present case there were two pieces of evidence entitled to more credit than Richard Hay's copy of the Cartulary of Paisley; the one was the original instrument of resignation itself, which, of all others, would be the best evidence, preferable to any copy of that instrument; and it is very possible and even probable that that original instrument still exists, and may be found some where with the title deeds of the lands of Fulton, in the shire of Renfrew: the other piece of evidence entitled to more credit than Richard Hay's copy was the original Cartulary itself, belonging to the Abbey of Paisley; which Cartulary there is reason to believe still exists, and upon a proper search will yet be discovered;

discovered; for that original Cartulary came into the possession of the Earl of Dundonald's family, when they acquired right to great part of the estates in Scotland which had belonged to the Monks of Paisley. That Cartulary I have myself often seen in my father's possession, who had the charge of all the papers belonging to the Dundonald family, while the remains of that estate continued with his son-in-law, the late Earl of Dundonald. And that Cartulary was delivered over by Lord Dundonald to the late Earl of Abercorn when the Paisley estate was sold to him, about twenty or thirty years ago.

I have myself, within these few years, frequently applied to the Marquis of Abercorn's man of business, Mr. Walter Scott, W. S., to make search for that Cartulary of Paisley, which he told me he had done without being able to find it; and I think he said, that he had some recollection of its having been once lent to the late Sir Robert Douglas the antiquary, and that it had afterwards disappeared.

The anonymous author, page 102, avers that "I had endeavoured, in a long discussion, to undermine the authenticity of the Cartulary of Paisley altogether." How true this is, will appear to any person who reads the note before referred to, pages 330, 331; which contains all that I ever said on the subject. There is not one word said there for undermining the credit of the Cartulary of Paisley; but it tells a matter of fact, that the Cartulary which is now in the Advocates' Library, is not the original Cartulary of Paisley, but a copy which formerly belonged to Richard Hay of Drumboote, and that where there was any reason to suspect inaccuracy it would be requisite, before placing complete reliance on the copies of deeds there inserted, either to see the original deeds themselves, which authorised that insertion, or to have some evidence that Richard Hay's copy had been compared with the original which belonged to the Abbey of Paisley. But I never said or insinuated either there, or in any other part of the Genealogical History, that the copy of the Cartulary in the Advocates' Library was not to be trusted or referred to as evidence in cases where, from other circumstances, there was nothing of inaccuracy suspected or pointed out to make it necessary to have recourse to better evidence. I very well knew that where there were no reasons to suspect error or inaccuracy from specified

specified circumstances, Richard Hay's Cartulary in the Advocates' Library was now uniformly appealed to as evidence of its contents; and, if I am not mistaken, has been sustained as such by the Court of Session, in cases where it appeared to be the best evidence that could be got; and I certainly could have no intention of overturning that Cartulary in all cases, as I had myself frequently appealed to papers in it, in the course of the Genealogical History. But from what is now to be stated, it will be made still more manifest that there could be no motives to make me wish to overturn the credit due to that Cartulary, or to William Urry's instrument of resignation contained in it.

Examination of the Arguments and Inferences from the mention of a John Stewart of Castelmilk in William Urry's Instrument of Resignation in the year 1409.

THE anonymous author having given an unfaithful account of what had been stated in the Genealogical History concerning the Cartulary of Paisley in the Advocates' Library, and the Commentaries upon William Urry's instrument of resignation, it has been thought proper now to correct those mis-statements; and that being done, I have no hesitation, for argument's sake, to suppose that the copy of William Urry's resignation, taken from Richard Hay's Cartulary, shall be held as an authenticated copy from the original Cartulary of Paisley, and even equal to the original instrument of resignation itself. From which it will follow in the present argument, that there is evidence of the existence of a John Stewart of Castelmilk in the year 1409. But I trust it will be made apparent that even these admissions will not give any solid support to the arguments maintained by Mr. Williams and his anonymous friend, and will be found to be totally insufficient for removing the various objections to their arguments even on this branch of the question.

The only matter of proof produced by the anonymous author, in support of a long chain of conjectures, is the instrument of resignation of William Urry in 1409, in the copy of the Cartulary of Paisley; in which are found the following words:

“ Præsentibus dictis Joanne Senescallo de Castelmylke, Joanne Semple &c.
“ Testibus ad præmissa vocatis specialiter et rogatis.”

The anonymous writer maintains, that the John Stewart of Castelmilk thus referred to, was precisely Lord Galloway's ancestor, Sir John Stewart of Dalswinton, who he supposes to have been at one period of his life proprietor of the lands of Castelmilk. But it must be observed, that there is no charter or authentic instrument of any sort produced, for proving that the property of these lands of Castelmilk ever belonged to Sir John Stewart of Dalswinton. There has been only an endeavour to make it possible, or probable, that the said Sir John Stewart of Dalswinton may at some period have been the proprietor of these lands. But in order to gain admission to that supposition, there is a whole chain of suppositions and conjectures proposed by Mr. Williams and the anonymous author, which must all of them be adopted, otherwise the whole system falls to the ground; as will appear from the following state of particulars.

The first supposition to be adopted is, that Sir William Stewart of Jedworth, and Sir William Stewart of Castelmilk, were not two distinct persons, but one and the same person. And that Sir William Stewart of Jedworth was proprietor of the lands of Castelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale; and, as such, was sometimes described Sir William Stewart of Jedworth, and at other times Sir William Stewart of Castelmilk.

Of this first supposition there is no manner of evidence produced; it rests wholly on assertions, founded on no better authority than the assertion of that very inaccurate historian George Crawford, in a manuscript history which he had been employed to draw up for the Earl of Galloway's family, and in which he studied as much as possible to give a flattering account of his Lordship's ancestors, though at the expence of depriving some other families of ancestors who truly belonged to them*.

The second supposition is, that Sir William Stewart of Jedworth, being proprietor both of the estate of Jedworth and of Castelmilk, did, upon the marriage of his son John with Marion Stewart, heiress of Dalswinton, in 1396,

* Crawford, in his Peerage, p. 157, published in the year 1716, gave an account of Lord Galloway's ancestors, but he did not there pretend, or venture to assert in print, that Sir William Stewart of Jedworth ever was proprietor of the lands of Castelmilk, or that he was sometimes described of Castelmilk, and at other times of Jedworth.

give to John the lands and estates of Castelmilk for his own behoof, and at his own disposal. Of this also there is no manner of evidence.

The third supposition is, that upon the death of Sir Walter Stewart of Dalswinton, father of Marion Stewart, which, according to George Crawford, happened about the year 1399, John Stewart having succeeded to the opulent estate of Dalswinton, he, upon that occasion, gave over and relinquished to his younger brother William the estate of Castelmilk. Of this also there is no manner of evidence.

It cannot be denied that these three suppositions hang upon one another, for if one of them is false the others must fall to the ground. For instance, if the lands of Castelmilk never belonged to Sir William Stewart of Jedworth, he never could have given these lands to his eldest son Sir John Stewart of Dalswinton. And if there was no truth in the donation of the lands of Castelmilk from Sir William to John, then Sir John Stewart of Dalswinton could not be the person meant under the description of John Stewart of Castelmilk, in William Urry's resignation.

But further, if there is no foundation for the story of Sir John Stewart of Dalswinton having got the lands of Castelmilk from his father Sir William, then there can be no foundation for the other supposition of that John Stewart's having made a present of these lands of Castelmilk to his younger brother William. And there is an additional difficulty in this part of these suppositions, to wit, that there is no evidence of the existence of a William Stewart brother of Sir John Stewart of Dalswinton; therefore, before gaining credit to that part of the history given about the various presents of the estate of Castelmilk from father to son and from brother to brother, it would be incumbent, in the first place, on Mr. Williams and his follower, to give some real solid proof that Sir John Stewart of Dalswinton had a brother of the name of William. It seems likewise to be incumbent on them to prove that Lord Galloway's ancestor, Sir John Stewart of Dalswinton, was at some period proprietor of the lands of Castelmilk. This ought not to be a matter of difficult proof if founded in truth. For as Sir John Stewart was possessed of various estates, such as Garlies, Dalswinton, and also of Castelmilk, as now pretended, Lord Galloway must certainly have in his charter-room various papers and title deeds relating to that Sir John Stewart

Stewart and the estates belonging to him ; and if the fact was so, it is most probable that some of these papers would afford evidence that the lands of Castelmilk had at some period belonged to him ; but if these papers contain no indication of that sort, then they ought to be considered as affording some degree of evidence against that supposed fact.

It is more particularly incumbent on Lord Galloway to prove what relates to his ancestor Sir John Stewart of Dalswinton, because he never can make out his title to the object in view without claiming through that Sir John Stewart ; for the point contended for by Lord Galloway is, that Sir William Stewart of Jedworth was the brother of Sir John of Derneley, and the son of Sir Alexander Stewart of Derneley. But in order to connect himself with that Sir William Stewart he must claim through Sir John Stewart of Dalswinton, who was Sir William of Jedworth's eldest son.

On the other hand, the Stewarts of Castelmilk do not claim through that Sir John Stewart in any respect ; they claim directly through Sir William Stewart of Castelmilk, brother of Sir John Stewart of Derneley, but different from Sir William of Jedworth, without any connection with Sir John Stewart of Dalswinton ; and therefore they apprehend that they are not bound to give any account of him, or to take him out of the way. Their claim rests upon very different and certainly on more solid grounds, as will appear from what follows.

It is admitted on all hands that Sir William Stewart described of *Castelmilk, miles*, mentioned in Rymer's *Fœdera* in 1398, as one of the sureties for the peace of the western borders, was the brother of Sir John Stewart of Derneley.

It is also admitted that Sir William Stewart, the brother of Sir John, engaged in the expedition to France, and that both brothers were killed at the battle of Rouvroy in February 1429.

Therefore it is established by unquestionable evidence, that Sir William Stewart of Castelmilk was alive during the whole of the period from 1398 to the beginning of February 1429. Consequently, any charter or other deeds during that period where Sir William Stewart of Castelmilk is mentioned

mentioned as a witness, must be presumed to apply to that Sir William Stewart of Castelmilk, of whose then existence there can be no doubt, not to a Sir William Stewart, whose existence at any period remains to be proved.

But it has been objected for Lord Galloway, that the instrument of resignation by William Urry in 1409, proves that there was at that time a John Stewart of Castelmilk, which is said to be irreconcilable with the notion of these lands belonging at that time to a Sir William Stewart.

It is impossible that Lord Galloway can by that objection mean to infer that Sir William Stewart had died before 1409; for the continuation of Sir William Stewart's life to the battle of Rouvroy in 1429 is ascertained by the most indisputable evidence, and has been admitted and argued upon on the part of the Earl of Galloway himself. The nature and tendency of the objection therefore must be directed to this point, that Sir William Stewart must have been divested of the property of the lands of Castelmilk before 1409, when there appears a John Stewart of Castelmilk mentioned by the notary to William Urry's resignation. And further Lord Galloway contends, that this John Stewart of Castelmilk mentioned by the notary, was precisely his ancestor Sir John Stewart of Dalswinton.

In answer to these assertions, it is to be observed in the first place, that there is nothing in the description of John Stewart of Castelmilk that has any necessary relation to Sir John Stewart of Dalswinton; on the contrary, there are circumstances on the face of it which are adverse to that supposition. For no part of the description alludes to the proprietor of the estate of Dalswinton, and the John Stewart therein mentioned is not mentioned as a Knight, which Sir John Stewart of Dalswinton at that time was.

But there is a more solid ground for excluding the supposition of the lands of Castelmilk having belonged to a John Stewart, or to Sir John Stewart of Dalswinton in 1409; for it appears from evidence, that these lands belonged to Sir William Stewart of Castelmilk at that very period, or at least very near to it, and therefore could not have belonged to John Stewart.

It has been shewn from Rymer's *Fœdera*, that the estate of Castelmilk belonged to Sir William Stewart, knight, in the year 1398. This is one foundation to go upon.

Secondly,

Secondly, it is proved from a charter by Archibald Earl of Douglas, in the year 1411, that Sir William Stewart was proprietor of the estate of Castelmilk at that period, for he is one of the witnesses to that charter by Archibald Earl of Douglas, and is described precisely in the same manner in which he was described in Rymer's *Fœdera* in 1398; "*Dominus Willielmus Stewart de Castelmylke miles.*" — It has been shewn, from page 324 to 327 of the *Genealogical History*, that this charter by the Earl of Douglas, was not of a more early date than the year 1411.

Thirdly, upon the death of Sir William Stewart of Castelmilk, in the year 1429, his eldest son David succeeded to the estates which had belonged to his father, consisting of the lands of Finnart, Castelmilk, &c.

The effects of these three clear and distinct pieces of evidence are, that Sir William Stewart possessed the estate of Castelmilk in 1398 and 1411, and that it went to his eldest son by succession in 1429, from which period that estate was uniformly enjoyed by the descendants from the said Sir William and David Stewarts, till it was sold by Archibald Stewart of Castelmilk in 1578 to John Lord Maxwell, after which sale the Stewarts of Castelmilk retired to their estate of Cassilton in Lanerkshire, to which they transferred the name of Castelmilk.

If it were true, as alleged by Lord Galloway, that his ancestor, Sir John Stewart of Dalswinton, was proprietor of the lands of Castelmilk in 1409, then they must have passed from the first Sir William Stewart to John at some period between the 1398 and 1409, and they must have come back again to Sir William Stewart at some period between 1409 and 1411, and have continued with him and his family from that time downwards.

If the evidence above stated, that the Stewarts of Castelmilk were descended from the first Sir William Stewart of Castelmilk, be considered as clear, the next question is, whether the mention of a John Stewart of Castelmilk in the resignation of William Urry in 1409, be sufficient to overturn the whole? And this leads to consider the degree of evidence which arises from the words contained in that instrument, in opposition to the other proofs already stated.

The first observation that occurs is, that John Stewart of Castelmilk is in the docquet subjoined to the notary's instrument introduced as a person who

who had already been mentioned in the same instrument ; but in fact he is no where mentioned but in that last clause. From whatever cause that proceeded is altogether immaterial ; it is evidently and clearly an inaccuracy of the notary. If he had really inserted the name of John Stewart of Castelmilk in a preceding part of the instrument, as he ought to have done since he chose afterwards to describe him as a person already mentioned, it is to be presumed that he must, in that prior entry, have given his description more at length, otherwise the referring to him as already mentioned would have been unnecessary, if in the second entry he was to give him the same full description as before.

But how can it be explained, that John Stewart was proprietor of Castelmilk in 1409, and Sir William Stewart proprietor of the same lands and described as such about 1411 ?

Mr. Williams and the anonymous author seem to have been aware of this difficulty, and their method of explaining it is, that Sir William Stewart of Jedworth was also proprietor of the lands of Castelmilk, and that he was the person alluded to in Rymer in 1398 ; that he gave off these lands of Castelmilk to his eldest son John Stewart, on his marriage with the heiress of Dalwinton ; that this John Stewart afterwards gave these lands to his brother William, who was the person described in the charter of the Earl of Douglas in 1411. But they give no sort of evidence in support of any of these guesses or conjectures ; nay, no manner of evidence that William Stewart, the supposed brother of John, was knighted ; and what is worse, no proof that he ever existed.

According to their supposition there must have been two Sir William Stewarts of Castelmilk, who existed during many years of the same period ; for they suppose that Sir John Stewart of Dalwinton, who died before the year 1420, had, upon his succeeding to the Dalwinton estate, relinquished in favour of his younger brother William, whom they have been pleased to create a knight, the estate of Castelmilk, which continued to be enjoyed by him till the time of his death about the year 1439, as supposed by them ; whilst, at the same time, it is certain that the first Sir William Stewart of Castelmilk lived down to the month of February 1429, and it was upon his death that his son David succeeded to these and other lands.

The difficulty in this matter is, to reconcile the entry in the resignation of William Urry, 1409, with the other proofs that the lands of Castelmilk did belong to Sir William Stewart mentioned in Rymer, 1398, and again in the charter of the Earl of Douglas, 1411.

It evidently appears, that the attempts made by Mr. Williams and his follower, to reconcile these pieces of evidence, have been altogether unsuccessful, and are contradictory to a variety of known and established circumstances. But it is far from impossible that the John Stewart described in William Urry's resignation, may have been Sir John Stewart of Derneley. It is true that the notary does not describe him as *Miles*; but the same objection would lie against the supposition that John Stewart of Dalwinton was meant, for he too was a knight before the year 1409; and, as the notary to this instrument appears to have been a person not remarkable for his accuracy, the omission of the description of knight was natural enough, when he mentioned him at the end of the deed, as a person he had already mentioned in a former part, where the full description ought properly to have been inserted, as usual.

Gen. Hist.
p. 106.

p. 107.

It is proved, that Sir John Stewart of Derneley was described of Castelmilk, in 1387; and it is also proved that he continued to be superior of the lands of Castelmilk, till the time of his death in 1429; and that his grandson obtained a grant of the nonentry duties of the lands of Castelmilk, from 1429 to 1468, his brother Sir William having held the lands of him as vassal. There is, therefore, nothing at all improbable in Sir John Stewart of Derneley his being one of the witnesses to the resignation of William Urry, Sir John's principal estate and place of residence of Derneley was in the near neighbourhood of Paisley; and there is no reason to suppose that he was not in Scotland at that time; on the contrary it appears, that in 1407, Sir John Stewart of Derneley, then in Scotland, was one of the persons who swore to the observance of the treaties between France and Scotland. Du Tillet, p. 327.

And although it would certainly have been more proper for this accurate notary to have described him Sir John Stewart of Derneley, yet as he was actually the superior of the lands and estate of Castelmilk, and the immediate vassal of the Lords of Aimandale in these lands, and had formerly

formerly been described of Castelmilk, the notary, who may well be supposed ignorant of the precise time when Sir John Stewart took the designation of Derneley in preference to that of Castelmilk, might naturally enough have given him that designation of Castelmilk, which could not fail to be perfectly understood as applicable to him in those times; for he was not uniformly described as of Derneley—he had other designations. Thus in a charter dated 11th December 1406, granted by Dame Janet Keith in favor of her son Andrew de Hamilton, to which her son Sir John Stewart of Derneley is one of the witnesses—He is not therein described as Sir John Stewart of Derneley, on the contrary, he is thus described: “Joannes Senescallus filius meus Dominus de Cruikistoun.” What makes this instance the more remarkable is, the certainty that Sir John Stewart had succeeded to the estate of Derneley before the date of this charter, for in that same charter Janet Keith the granter of it is described as being then in her widowhood. Which leaves no doubt that Sir Alexander Stewart of Derneley being then dead, his son Sir John had succeeded to the Derneley estate before that time.

It has already been observed, that the Stewarts of Castelmilk, who do not claim through Sir John Stewart of Dalswinton, were not bound to remove out of the way, or to account for the John Stewart mentioned in William Urry's resignation. However, as every part of the system which Mr. Williams and his anonymous friend have adopted for Lord Galloway rests merely upon guesses or conjectures, unsupported by conclusive proofs, it was thought that it might not be improper here to submit to consideration the above conjecture: which will appear to be better founded, and to be more connected with probability, than any one of those attempted on the part of the Earl of Galloway.

But the above is not the only reasonable conjecture that might be formed with regard to John Stewart of Castelmilk, referred to in Urry's resignation, in 1409. For if I were to assume the same liberty of making guesses or conjectures, that has so frequently been assumed on the part of the Earl of Galloway, it would not be difficult to form conjectures concerning that John Stewart of Castelmilk, which would be supported with much greater probability at least, than any of the various conjectures that have been hazarded on the other side.—For instance, it might fairly be presumed or conjectured, that John Stewart of Castelmilk, mentioned as present at the instrument taken by the notary, was a son of Sir William Stewart

of Castelmilk; for, as he is not described as a knight, whilst others of the witnesses are so described, it is a sort of presumption that he was a young man: the John Stewart here alluded to may have been the eldest son of Sir William Stewart of Castelmilk, and pre-deceased his father; or, he may have been one of Sir William's younger sons. For there are instances, at that very period, and particularly in the Derneley family, which shew that it was not unusual in those times to describe even the younger sons of great proprietors by the title of the land estate which belonged to the family, as being a sufficient mark of distinction, when joined with the christian name, for ascertaining the person meant. Thus there is in the public records, a charter dated at the monastery of Paisley, in the year 1406, granted by the Duke of Albany, Governor of Scotland, in favor of William Cunningham of Reidhall, to which charter Robert and Alexander Stewarts, two of the younger sons of the Derneley family, are witnesses, and they are thus described: "*Robert and Alexander Stewarts of Derneley.*" It is very well known that these were two of the younger sons of Sir Alexander Stewart of Derneley, whose eldest son Sir John was the only person properly entitled to the designation of Derneley, though it is here given to the younger sons, as being thought sufficient, with their christian names, for ascertaining who they were.

In the same way, if Sir William Stewart of Castelmilk had either an elder or a younger son of the name of John, it might be thought proper, even by a more accurate man than the notary in question, to describe him John Stewart of Castelmilk, as the christian name, joined with the name of the land estate of the family, would leave no doubt as to the person meant to be described.—A similar practice, even in modern times, took place in France, where it was usual for the youngest sons to be described by the title or name of the *terre* or land estate of the family.

That Sir William Stewart of Castelmilk had a son of the name of John, is a fact so highly probable that it can scarcely be doubted of, considering the remarkable friendship and intimacy which subsisted between the two brothers, Sir John and Sir William Stewart. And it is not at all likely that the name of John, which appears to have been a favorite name in the family during many generations, should have been neglected in the first instance by Sir William Stewart, attached as he was to his brother Sir John, whose name and actions reflected so much honor upon the family.—That son of the name of John, may probably have died during his father's life, in the period between 1409 and 1429.

The only sons of Sir William Stewart of Castelmilk who have been taken notice of in the Genealogical History, are David, Archibald, Matthew and Walter, because these were the only sons of whom I had discovered any mention in old charters; but it does not follow from thence, that Sir William Stewart might not have had several other sons.—It was only by degrees, and in the course of several years, that I discovered the names of those sons above-mentioned; and it cannot be reckoned surprising that at the distance of four hundred years we should not now be able to prove from records, the names of all the sons of Sir William Stewart.

The supposition that John Stewart mentioned in William Urry's resignation was a son of Sir William Stewart of Castelmilk, has this great advantage, that it is perfectly consistent with the other established proofs that the estate of Castelmilk at that time belonged to Sir William Stewart of Castelmilk, knight; and renders unnecessary the extravagant supposition of that estate having belonged, in 1409, to Sir John Stewart of Dalwinton.

The anonymous author has informed us, that he laid the resignation of William Urry before a learned friend, who is also anonymous, "but whose acquirements as a Scholar, and whose reputation as a Lawyer are equally distinguished;" and he has favored us with the written opinion given by this very respectable gentleman. But the result of that opinion amounts to no more than this: that William Urry's resignation is a complete presumptive proof of the existence of John Stewart of Castelmilk, in 1409; which, he says, cannot possibly be redargued unless by a positive proof, that the lands were then the property of some other person.

It may be observed, in the first place, that the existence of a John Stewart, described by the notary as of Castelmilk, in 1409, does not necessarily prove that he was proprietor of Castelmilk, much less does it prove that he was the son of Sir William Stewart of Jedworth, who never had a right to these lands.

But 2dly, in spite of my profound respect for the learned anonymous friend of the other anonymous, I cannot admit, that a presumptive proof can only be redargued by a positive proof; for I maintain, and I believe few will contradict my position, that a presumptive proof may be completely redargued by contrary presumptive proofs; and that it will depend upon the weight of the opposite presumptions, which of them is best entitled to belief.

Let

Let this doctrine be applied in the present case, for deciding whether, upon the evidence stated on each side, there is most reason to believe that the estate of Castelmilk belonged, in the year 1409, to Sir William Stewart of Castelmilk, whose existence is ascertained by the respectable evidence of Rymer's *Fœdera*, and of an original charter by the Earl of Douglas; or, that these lands belonged to a John Stewart of Castelmilk, whose existence is ascertained only by an obscure notary, who appears not to have been distinguished by his accuracy at least; including in this last branch of the alternative the further suppositions necessary to be adopted, to wit, that the John Stewart mentioned in that Instrument, was precisely Sir John Stewart of Dalswinton, Lord Galloway's ancestor; and that from this John Stewart the lands of Castlemilk shifted in 1411, to another Sir William Stewart, different from the person named in Rymer, in 1398, but of which additional Sir William Stewart no certain traces of his existence are any where to be found.

Fallacy of what is contended for by Mr. Williams and the Anonymous Writer, in maintaining that WALTER STEWART of ARTHURLY was not the son of the first Sir WILLIAM STEWART of CASTELMILK, but the son of an imaginary second Sir WILLIAM STEWART of CASTELMILK; and fallacy of their arguments concerning the time allotted by them for the death of that second Sir WILLIAM STEWART.

MR. WILLIAMS and his anonymous friend pretend they have discovered that there was a Sir William Stewart of Castelmilk who was alive in the year 1439, but who died before the first of February 1440; whence they contend, that this Sir William Stewart must have been the brother of Sir John Stewart of Dalswinton, and the father of Walter Stewart of Arthurly, who according to these supposed facts could not, they say, have been the son of the first Sir William Stewart of Castelmilk, who was killed at the battle of Rouvroy, in 1429.

To these assertions and suppositions there are various answers.

1st. No person before Mr. Williams and his follower has ever doubted that Walter Stewart of Arthurly was one of the younger sons of the first Sir William Stewart of Castelmilk; neither is there any other person who ever pretended that there was a Sir William Stewart of Castelmilk, who

who had died between 1439, and 1st February 1440. But it is in vain to dispute about the time of the death of the second Sir William Stewart, until it shall be proved in a satisfactory manner that such a person ever existed :—No such proof has hitherto been produced, and it is believed that there is no likelihood of any such proof being ever produced.

The foundation on which Mr. Williams and his anonymous follower have built this argument concerning the death of a Sir William Stewart in the period between 1439, and 1st February 1440, is this,—they suppose that there are two original charters now extant, the one dated in 1439, by which John Pollock disposed to John Ross, Laird of Haulkhead, and Walter Stewart, *son of William Stewart of Castlemilk*, equally betwixt them, the lands of Arthurly in the borony and shire of Renfrew. The other charter under the great seal, dated 1st February 1439, in modern style 1440, by King James II. whereby he grants the one half of the lands of Arthurly in the barony of Renfrew, to Walter Stewart son of the *deceased Sir William Stewart of Castlemilk Miles*.

From these premises they have inferred, that Sir William Stewart of Castlemilk must have died precisely in the short period between 1439, and 1st February 1440, because in the first of these charters Walter Stewart is, they say, described son of William Stewart of Castlemilk, without the addition of the word *deceased*, whereas in the last of them he is described as son of the *deceased Sir William Stewart of Castlemilk knight*.—This seems to have been so favorite an argument with the anonymous writer, that he has dedicated no less than eight pages of his book to it, from p. 120. to p. 128.—But it will be shewn that this is merely a captious argument, unsupported either by fact or by fair inference.

For, admitting that in two deeds drawn up by different persons about the same period, Walter Stewart had in one of them been described as son of the *deceased Sir William Stewart*, of Castlemilk, while in the other he is described only as son of William Stewart of Castlemilk ; it does not thence necessarily follow, that the William Stewart thus described had died in the period subsequent to the deed wherein Walter had been described simply as the son of William Stewart, and before the date of the deed wherein he was described son of the *deceased Sir William Stewart* : for either of these designations was sufficient to describe Walter Stewart, and to ascertain precisely who he was, which is the only real object of a designation ;

signation;—and when deeds are drawn up by different persons, such discrepancies in the mode of the designations must frequently happen, according to the greater or lesser degree of precision of the person employed; for the one mode of designation is equally valid with the other, to all intents and purposes. And it was no part of the object of these papers to ascertain whether the father of Walter Stewart was dead or alive at the date of these deeds, or at what time he had died; though the argument used for Lord Gallloway proceeds on a supposition that these were the precise points to be ascertained by the designation of Walter Stewart.

Indeed according to the mode of reasoning adopted by Mr. Williams and his obsequious friend, it ought to be inferred, that Sir William Stewart of Castelmilk was not a knight in 1439, but that he was created a knight between that date and the 1st February 1440. For in the article relating to the charter in 1439, by John Pollock, Walter Stewart is described son of William Stewart of Castelmilk, without mentioning that he was a knight; whereas in the charter under the great seal, 1st February 1440, he is described as son of the deceased Sir William Stewart of Castelmilk, knight. The argument must either be conclusive in both or in neither of these cases, for the ground on which it proceeds is precisely the same in both.

2dly. In point of fact, no person, either on the part of Lord Galloway, or of the Stuarts of Castelmilk, has as yet seen the charter above-mentioned, dated in 1439, wherein Walter Stewart is said to be designed son of William Stewart of Castelmilk, without the addition of the word *deceased*.—For the fact is, that the article relating to the charter 1439, by John Pollock to John Ross and Walter Stewart, was not copied from the charter itself, but from an inventory of Lord Glasgow's papers, in the possession of Mr. Thomas Tod, writer to the signet;—after obtaining which extract from Lord Glasgow's inventory, application was made to his Lordship, and to the person who had charge of his papers at Halkhead, for inspection of that original charter, not doubting that it would speedily and easily be found. After some time bestowed in searching, the answer received was, that the charter sought for had some how or other been misplaced or mislaid, for that a search had been made for it without being able hitherto to find it. There are hopes, however, that it may still be found on a more diligent search; and there can be no doubt that it will then appear, that Walter Stewart is in that deed designed, in
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the same manner as in the royal charter, 1st February 1440, son of the deceased Sir William Stewart of Castelmilk, knight.—For the disposition or charter by John Pollock was the warrant for the crown charter which followed upon it, and it is well known to every man of business, that the descriptions in crown charters of persons and places are regulated by the descriptions in the warrants of these charters. All these particulars are stated in a full and satisfactory manner in the Genealogical History, from page 351 to page 356. And I cannot help thinking, that every person who reads the account there given, must, if he has any degree of candor, be perfectly satisfied that it contains the true and genuine state of this matter; but if he happens to be captious, the facts therein stated will, all of them, when necessary, be established in the most solemn manner by the legal evidence of Mr. Tod, who furnished the extract from Lord Glasgow's inventory, and by the judicial testimony of the persons who in consequence thereof made search in Lord Glasgow's charter-room at Halk-head for the paper in question.

Notwithstanding the various instances already given of facts and assertions hazarded without any foundation in truth, or at least totally unsupported by proofs, there remain other similar instances which might be produced. But it is really tiresome to follow Mr. Williams through all his mazes of errors and conjectures, especially as it is not easy to fix him to any precise ground; for it has frequently happened that when driven from one position which he had found to be untenable, he has resorted successively to other grounds not more defensible; and thus, assuming the privilege of a very *Proteus* to vary his shapes and forms at pleasure, the labour and fatigue of pursuing him through all his variations is much increased; hence these sheets have extended far beyond what was originally proposed.

The work of the anonymous author is even more reprehensible, from the increased boldness of assertion, with a similar or greater disregard of genuine proofs.

If it should be found that there remain in this last-mentioned work any facts or arguments not hitherto refuted, because not touched upon, and that the author should thence be induced to flatter himself that the truth or force of his assertions in those parts was admitted, he may, if it

can afford him any consolation after the preceding detection of his various attempts to mislead, be allowed the benefit of that temporary gratification. I have no objection to permit his enjoyment of a short-lived triumph of this sort, unless it should inspire him with fresh courage to persist in attacks, such as may call for a further refutation.

It may be necessary however to take some notice at present, of a few general propositions and assertions which have been repeated in various different parts of the work in question.

Answer to the Imputation of having differed from all the Genealogical Writers with respect to the Pedigree of the Earl of Galloway.

IN p. 14. it is said, that "the author of the "Genealogical History of the "Stewarts" certainly can boast of being the first person who ever doubted or "called in question Lord Galloway's pretensions. His right of descent "from the eldest branch had been so universally acknowledged, so uniform- "ly sanctioned by time and opinion, that, had it not been for the formal "attack in 1794, or at least the rumour that announced it, in all probability "it never would have occurred to him to substantiate his claims by a pro- "duction of the legal evidence."

One would imagine, from this paragraph, and from many others in the course of the book, that all genealogical writers had concurred in giving to the Earl of Galloway's family the same lineage and ancestors that have now been assigned to them by Mr. Williams and his faithful satellite, and the same preference to all other competitors for the honor of representing the Derneley family. But they have taken care not to mention the authors who had done so; and I believe I may with great confidence venture to assert, that, excepting Mr. Williams and his anonymous friend, there is no author whatever that ever gave to Lord Galloway's family, or to Sir William Stewart of Jedworth, the same pedigree that they have done; particularly no author that ever said or insinuated that Sir William Stewart of Jedworth, (the unquestionable ancestor of the Earl of Galloway,) was the son of Sir Alexander, or the brother of Sir John Stewart of Derneley. In truth, they can produce no author who ever has given any such account of the father or brother of Sir William Stewart of Jedworth,

or who has ever supposed him entitled to that pedigree. Without establishing these facts, it is quite impossible that Lord Galloway could ever make out his claim to the representation of the Derneley family after the death of Cardinal York, the last of the male descendants from Sir John Stewart of Derneley ; for it is agreed on all hands, that the representation must undoubtedly go to the person who shall be able to prove himself descended from Sir William Stewart, the brother of that Sir John Stewart of Derneley. Therefore the assertion that all genealogical writers had established the foundation of Lord Galloway's claim, and the preference due to it, is totally erroneous, and has been suggested only for the purpose of misleading and for inducing a belief, that I was the only person who had ever disputed the authority of the genealogical writers, or who had called in question the Earl of Galloway's right, uniformly acknowledged by time and opinion. The only genealogical writers whose authority I dispute are Mr. Williams and his obsequious flatterer*.—Their authority, however respectable it may appear to themselves, I cannot admit without proofs ; and in what manner they have avoided this test must be sufficiently apparent from the preceding discussion of their facts and arguments.

It will be found that all, or almost all the genealogical authors, have given an account of the descent of Lord Galloway's family very different from, and inconsistent with that which has now been trumpeted by these two modern heralds. This is rendered clear and certain from the particulars given in the memorial concerning the pedigree of Sir William Stewart of Jedworth, pages 33—37, *supra*, where literal extracts are given from Nesbit, George Crawford, and Sir Robert Douglas ; all of whom have concurred in the fact that Sir William Stewart of Jedworth, the paternal ancestor of the Earl of Galloway, was descended from John Stewart, one of the younger sons of Sir John Stewart of Bonkyll, and a younger brother of Sir Alan

* Much praise is lavished on Mr. Williams in various parts of the anonymous work, the author of which has gone so far as to extol him for his accuracy, and to prefer him to all the various authors who have ever written on the subject of the Stewart families. Thus, after mentioning various genealogical writers, such as Nesbit, Crawford, Sir Robert Gordon, and the learned Camden, there is, p. 133, the following paragraph :

“ The last author we shall appeal to is the Reverend Mr. Williams, by *far* the *most accurate* of any who have examined the subject.” If this is not downright flattery, it must be allowed to be at least a dis-proportioned compliment to Mr. Williams from his complaisant friend.

Stewart of Dreghorn, who was the ancestor of the Derneley family. Both Mr. Williams and his nameless friend have carefully kept out of view all the accounts thus given by these authors; though they have frequently appealed to these same authors upon other occasions.

The memorial above referred to, concerning the pedigree of Sir William Stewart of Jedworth, which I made out in the year 1794, for Lord Galloway's use, was the result of a good deal of investigation and trouble; for I had at that time consulted every *genealogical* book wherein I could find any mention of Sir William Stewart of Jedworth, or of his pedigree. It will appear, indeed, that the report made by me was very different from that which has since been made by Mr. Williams and by the anonymous author. But if any person will take the trouble to examine the authorities referred to by them and by me, it will soon be discovered which of us have given the fairest representation of the case, and the best information for the Earl of Galloway's use; will then be seen, and with irresistible evidence, that Mr. Williams and his anonymous friend are the only genealogical writers who have ever pretended that Lord Galloway's ancestor was a son of Sir Alexander, or a brother of Sir John Stewart of Derneley; consequently, what they wished to impute to me of my representing Lord Galloway's pedigree in a manner different from all the genealogical writers, is an imputation solely applicable to themselves: it required, therefore, a good deal of modest assurance in these two authors to assert, as they have done in different parts of their writings, that I had been the first or only person who ever doubted of Lord Galloway's pretensions; asserting, at the same time, that his right of descent from the eldest branch had been universally acknowledged and uniformly sanctioned by time and opinion.

Nothing was stated by me on the subject without referring to the authority whence it was taken; for whatever may have been the objects of Mr. Williams and his friend in their statements, it was no object of mine to mislead Lord Galloway, or to give any representation of facts other than what could stand the test of the strictest examination. His Lordship, if he has not already discovered, may possibly at some future period discover, whether he is most indebted to those who had studied to give him only true information, or to those who wished to conciliate favor by giving such flatter-

tering accounts as they thought might be agreeable, without considering that facts stated without proofs, or contrary to proofs, may lead into difficulties, but never can be finally successful.

The rise and progress of these Genealogical Inquiries.

Lord Galloway must recollect, that it was at his earnest request that I first engaged in the study of the Genealogical History of the Stewart families, with a view to assist his Lordship in the inquiries which he was then most anxious should be made for ascertaining to whom the chiefship of the family would belong after the death of the Cardinal York.

I confessed to his Lordship my ignorance of those matters, having never turned my mind to any genealogical subject; but though unwilling to engage in any thing that might be likely to consume much time, or to occasion much trouble, I at last yielded to the repeated earnest requests made to me by Lord Galloway, and told his Lordship that when I went to Scotland I should be very ready to give him any assistance in my power, by examining the public records or other places where there might be any expectation of finding materials that could afford just information; and that I should always be ready to give his Lordship a fair opinion, according to the best of my judgment, upon the facts or proofs that might from time to time happen to be discovered.

I was the more readily induced to agree to Lord Galloway's request, on account of the distinguished favor and friendship which I had for many years enjoyed from his Lordship's father, the late Earl of Galloway, with whom I had the happiness of living in great intimacy, while we were joint guardians to the Duke of Hamilton; and the friendship thus commenced had laid the foundation for much amicable connexion with his Lordship's family ever since that period.

Accordingly, upon going to Scotland, I did bestow a good deal of time and labour in fulfilling the promise I had made to the present Earl of Galloway, who cannot fail to recollect the reports I made to him from time to time of the result of my researches; and the many suggestions which I gave, both to himself and to Mr. Williams, about additional inquiries to be made by them, and directing them to the places where it would be most proper that they should be made.

In this manner matters went on for a considerable time, before there was any idea of my friends of the Castelmilk family being concerned in the object of this inquiry; for I have no hesitation to repeat, what has already been stated in the preface to my History, that I was at that time under the impression, that the chiefship would be found to belong to Lord Galloway's family; though I was quite ignorant of the grounds on which either his Lordship's pretensions or those of other competitors were founded.

When I found, from the conversations at Castelmilk with my relations Sir John and Lady Stuart, that they considered themselves as materially interested in the result of these inquiries, and that they thought their pretensions entitled to every attention from their connections, I immediately acquainted Lord Galloway of what had thus passed, and told his Lordship that I did not choose to be placed in a situation where I might naturally be subject to the suspicion of being partial to my near relations of the Castelmilk family, and therefore that I did not wish to be the person to be trusted to on his Lordship's part for prosecuting the inquiries on his behalf; and suggested to him the propriety of his making choice of some other person for that purpose, or at least to make choice of some person of established character and abilities to whom the result of all inquiries made either for his Lordship or for the Castelmilk family might be submitted, and with whom his Lordship might have an opportunity to consult from time to time.

Accordingly Sir Adam Ferguson was named as a person upon whose opinion all parties would have complete reliance.

Lord Galloway probably still has the correspondence between him and me on this subject; it will shew the amicable manner in which those matters were carried on at that time. And as I communicated to Sir Adam Ferguson the result of inquiries made either on the part of Lord Galloway or of Sir John Stuart, I presume that his Lordship had occasion to learn from Sir Adam his sentiments, so far as matters had been advanced during that mutual reference to him.

Lord Galloway will also recollect, that it was agreed between his Lordship and Sir John and Lady Stuart, that all matters should continue to be carried on between them on the most amicable footing, and that each party should communicate to the other the result of their inquiries, and any papers or proofs that might happen to be discovered.

This

This agreement between Lord Galloway and the Castelmilk family, in which I considered myself as a party, was most faithfully observed by me, though during the life of Sir John Stuart I acted only under him, for his behoof and by his authority; and both his Lordship and Mr. Williams must do me the justice to acknowledge, that they received from me the most liberal and unreserved communication of every thing that could interest them in the various and extensive discoveries made in the course of the investigations at home and abroad on our part.

They must also acknowledge, for they were sensible of it at the time, that the communications of this sort received from his Lordship, or from Mr. Williams, bore no proportion to those which they received from me; this, however, I did not impute to any want of disposition on their part to fulfil the agreement; but ascribed it merely to this circumstance, that very little had been discovered by them worthy to be communicated, or that could keep pace with the extensive communications which they received from me; for they had not only the benefit of learning from me every material paper and fact discovered in the course of the searches in England and Scotland, but likewise the result of all my inquiries in France and in Italy; and all these advantages Lord Galloway enjoyed without ever being put to one shilling of expence; though his Lordship must have been sensible, that the extensive researches in the records of France and of Italy, as well as in those of England and Scotland, must have been attended with a great deal of expence, besides the time that was necessary to be dedicated to this business*.

Conduct of the
Castelmilk fa-
mily towards
the Earl of
Galloway.

If Lord Galloway was really in earnest to discover every thing material that could be learned concerning his family, or concerning the Stewarts of Derneley, it cannot be supposed that he would have omitted to get proper inquiries made in France respecting them, as the Stewarts of Derneley

* It is acknowledged even by the anonymous writer, that Lord Galloway's claim has received great benefit from the discoveries made by me in France. Thus, in page 57, there is this paragraph: "Let it be observed that the minuteness of the author of the Genealogical History of the Stewarts is, in some sort laudable and important, as from the variety of original evidence he has adduced, both from the authors and public offices of France, an incontrovertible demonstration is established, that Sir William Stewart, the first of Castelmilk, was the brother of Sir John Stewart of Derneley."

Page 86. "The successful researches which you made in France in 1789 have enabled you to place the close connexion of those two remarkable brothers (Sir John Stewart of Derneley and Sir William Stewart of Castelmilk) in a pleasing point of view; and Lord Galloway, of all men, is most peculiarly indebted to you, for thus elucidating the hitherto doubtful transactions of your mutual ancestor."

were

were known to have acted a distinguished part in that country. The expence which must have attended these inquiries, was saved to him by the liberal and extensive communications given of the result of my researches in France and elsewhere.

The greatest part, if not the whole, of the Genealogical History was from time to time communicated to Lord Galloway, or to Mr. Williams, before it was printed; and I was ready to have adopted any suggestions of theirs, provided they were supported by proof, but not otherwise. In short, if the questions agitated can be considered as a contest or competition between the Earl of Galloway's family and that of the Stuarts of Castelmilk, it may truly be said, that there never was a competition carried on in so unreserved and liberal a manner as this was on the part of the Castelmilk family towards the Earl of Galloway and his family.

The fact is, that after having bestowed so much time and trouble in the investigation of the truth, it became a favorite object with me to have the honor and credit of correcting the various errors which had crept into the history of the Stewarts of Derneley, and the credit of giving to the world a true history that might be depended upon with regard to every matter therein stated. These objects I had much more at heart than any preference of one family to another with respect to the Chieftship, or Chieftanship of the Stewarts; an object which I am ready to admit is of very little importance or consequence even to the parties themselves, and certainly of still less importance to the world in general.

From many incidents which had happened in the course of these affairs, Lord Galloway, both in conversation and in writing, often expressed himself sensible of the liberal manner in which the business had been conducted, and of his obligations to me for all the trouble I had taken.

Without entering into the detail of various useful communications which his Lordship received from me, I may be allowed to mention a very material one which happened lately, in the course of the present summer.

It fell to my lot to discover a material piece of evidence for supporting Lord Galloway's side of the question, of which neither his Lordship nor any person acting for him had attained, or was likely to attain, any knowledge; and I believe I may venture to say, that it affords better proof of his Lordship's connection with the Derneley family than any that had ever been discovered by all the laborious searches made on his
 Lordship's

Lordship's part, including those made by Mr. Williams or his anonymous friend, or by any other person whatsoever. I took an early opportunity of making known to Lord Galloway what I had thus discovered; which I did in the presence of a friend of his much attached to his interest; and who seemed sensible of the importance of what was thus communicated. I am persuaded it will be found to be more material in support of his Lordship's pretensions than any written document hitherto in his possession.

Upon the whole, Lord Galloway must be highly sensible of the strict fidelity which has been observed on the part of the Castelmilk family, in communicating to him every discovery made by them, wherein his Lordship's family might be interested.

He will therefore no doubt feel a just indignation, that there should now start up some unknown concealed champion for him, who, under false appearances, endeavours to misrepresent all that has happened, and attempts to convert into enmity all the amicable and liberal proceedings which had taken place until this officious intermeddler appeared upon the stage.

From the first commencement of the researches relating to these matters, I have always considered the point in agitation between the Earl of Galloway's family and that of the Stuarts of Castelmilk to be of such a nature as ought not, and was not likely to be productive of any animosity or bad humour.—It was much better calculated for an amicable contest, as being between two branches of the same family, and the matter in dispute, though curious as a point of antiquity, yet of little real magnitude or importance. According to the notions uniformly entertained by me, a contest for a Chieftanship is, when reduced to its true estimation, a contest for an empty name; or, if there should be found some persons disposed to dignify it with the epithet of a contest for a point of honour attended with some degree of real lustre, that honour, when ascertained in favor of any one branch of the family, could not fail to communicate part of its lustre at least to the other branches of the same family, and especially to that branch which had been engaged

engaged in the competition, on the footing of having pretensions equal or nearly equal to those of the successful competitor; for, according to the state of facts maintained on the part of Lord Galloway himself, the ancestor of the one family was the brother of the ancestor of the other: and though the account given by the Castelmilk family differs a little from this in some respect, yet it is admitted on all hands, that they are descended from the same common ancestor, Sir John Stewart of Bonkyl. One would imagine, therefore, that the anonymous author, who, in his facetious style, has thought proper to treat the pretensions of the Castelmilk family with some degree of flippancy, would not much ingratiate himself with Lord Galloway by that mode of paying his court.

The Anonymous Author said to be employed by the Earl of Galloway;

deemed incredible.

But there are various passages in the anonymous work, where the author assumes, and surely without authority, the character of a person directly employed by the Earl of Galloway, or by some of his connections, to plead his cause in the manner he has done; and he seems desirous to persuade his readers that this is the true state of the case. Many things, however, incline me to think the author cannot be entitled to credit for what he has thus advanced. For, after what had passed between the Earl of Galloway and myself, in the course of several years, I will not allow myself to think it possible that his Lordship could ever have given his authority, or even his tacit consent, to such a publication.—Indeed there are peculiar circumstances which must have precluded him from giving any degree of encouragement to a work of the nature of that now in question. If however, against all probability, the Earl of Galloway has really given any such authority, as is said or insinuated by the anonymous writer, I hope his Lordship will fairly avow it, in a manner suitable both for himself and for me; and then I shall know with whom I have to contend, for I do not chuse to have to do with subalterns, or with interested or hireling authors, when I can get at the principals who employed them.

Until attaining some degree of certainty in the particular now mentioned, I do not wish to be too severe on the unknown author of the anonymous work,

work, therefore shall at present abstain, as much as possible, from taking any notice of the style and temper manifested in it, although the general opinion of the few who have had the patience to read the whole of it is, that the style and temper are so very improper, and so much the reverse of any thing practised amongst persons of education, that the author can only deserve to meet with the most humiliating treatment.

That the nameless author should have indulged himself in the manner he has done, is the more extraordinary, as he has told us, page 10, that he is ambitious to maintain the character of a *Gentleman* and a *Scholar*, and professes much respect for the *laws of urbanity*.

It cannot possibly be denied that the anonymous author is a *Scholar*, as his work abounds with so many quotations from Greek and Roman authors. In his Refutation of the Genealogical History of the Stewarts, (a family unknown either to the Greeks or Romans,) he has called in to his assistance all his old classical friends from the Grecian and Roman territories, who certainly never expected to be called forth in a service of this nature. In the muster roll of the foreign auxiliaries brought into the field upon this requisition, there are Pindar, Aristophanes, Virgil, Horace, Sallust, Julius Capitolinus, Statius, Quintilian, and Velleius Paterculus, besides a reinforcement of modern *scavans*, such as Voltaire, Mirabeau, &c. Under these circumstances it must unquestionably be admitted, that a man possessed of such a wonderful power of quotation can be no other than a great and accomplished *Scholar*.

As to his pretension to the character of a *Gentleman*, little can be said on that head, until we know *who he is*: In the mean time, we can only guess from symptoms and appearances; and if those pretensions were to be left to the decision of a Jury of Gentlemen conversant in the world, their judgment of who is, or who is not a gentleman, would probably be regulated in a great degree by the style of his conversation or the style of his writings. — For this purpose it will be very desirable that the whole of the anonymous performance should be read over with a particular attention to the style, and to the instances of boasted urbanity.

Style and spirit of the anonymous book.

A specimen of that attention to the laws of urbanity, and of the style and *spirit* in which the anonymous performance is written, will be found, pages 151 and 152. After a very decided and acrimonious condemnation of the style made use of by me in the Genealogical History, the following remark is subjoined: "Here the reader will contemplate with doubt and wonder a literary phenomenon, the lowest phraseology of the Courts, interlarding the style of the reputed Author of a production second to few in the English Language for reach of thought, ability of argument or vigour, and eloquence of diction." And in a note at the bottom of page 151, the anonymous author further explains himself thus: "The performance here alluded to is certain Letters to Lord Mansfield, published about the year 1769 or 1770, soon after the decision of the celebrated Douglas cause by the House of Peers — a work indeed of extraordinary merit. It is true the Letters *seem* composed in the name of Andrew Stuart Esq.; but that Gentleman laudably avows no claim to the honour of the performance, it being given to the world wholly as anonymous. His friends (*if there be any such*) who still believe that it proceeded from his pen, may, since the publication of the Genealogical History of the Stewarts, ruminate on a phenomenon which they will of course think is among the difficulties hard of solution, a writer who at one and the same time is a giant and dwarf, a *prodigy of strength* and a *monument of weakness*. These Letters I have always regarded as by far the most masterly among many able productions brought forth by this memorable Trial. Of the real author, whoever he be, it may be truly said, as Velleius Paterculus said concerning Cicero: "*Animo vidit, ingenio complexus est, elegantia illuminavit,*" &c.

On reading this passage, it was not easy for me to comprehend what adequate motives the author could have for exposing himself to the shame of being detected in assertions and insinuations so totally unfounded, and which could be so easily refuted. He certainly gave me no small advantage over him by affording me an opportunity of accompanying that detection

tection with the strictures which it merited. But I will not now allow myself to say one word more on that subject, as I have lately received by the post from Edinburgh, a letter from my unknown correspondent, which in fairness to him I think proper to subjoin.

“ SIR,

“ Edinburgh, May 1799.

“ As the author of the ‘ Genealogy of the Stewarts Refuted,’ I take the
 “ liberty of addressing a few lines to you ;—my reason is, to apologize for
 “ an inaccuracy into which I have inadvertently fallen in that publication,
 “ and which may possibly be interpreted by you into a *personal reflexion*,
 “ than which nothing can be further from the *real* intention of the writer.
 “ Some liberties I certainly have taken with your literary character, and
 “ these, as one of the public, I have a perfect right to take ; but your pri-
 “ vate character I highly and sincerely respect ; and should be extremely
 “ sorry to think you had the slightest cause to imagine, that I had either
 “ expressed or entertained a contrary sentiment. The inaccuracy to which
 “ I allude is the following.

“ At pages 151, 152, of my book, in hazarding a conjecture purely
 “ *literary*, relative to your letters to Lord Mansfield, I have said, that they
 “ are given to the world wholly as *anonymous*, but, as since looking back to
 “ that masterly performance, I find that the title is ‘ Letters to Lord
 “ Mansfield *from* Andrew Stuart Esq.’ The fact, Sir, really is, that I
 “ never had, till a few days ago, opened the book since the time of its
 “ first publication, now near 30 years, and somehow or other I was im-
 “ pressed with the idea that your name was not upon the title page ; but
 “ as this is otherwise, I must acknowledge I have mis-stated a fact, which
 “ is very contrary to my intention, and I believe equally contrary to my
 “ usual practice. Had I fortunately sooner looked back to the Letters in
 “ question, you may be assured I should have expressed myself very dif-
 “ ferently, nor should I have omitted to give due praise to the grammatical
 “ pre-

“ precision you have displayed, in the peculiar use of the preposition *from*,
 “ in the above-mentioned title*.

“ Whatever otherwise may be your opinion of my book, I trust you will
 “ admit, what is the sentiment of all impartial readers, that it is written
 “ with *candour* and a *manly freedom*. Should you ever reply to it (which
 “ I think improbable) I shall rejoice to see that your answer is in the same
 “ liberal spirit.

“ As to myself, it is probable that I shall never be known to you, nor is
 “ it necessary that I should. Private and literary quarrels are in themselves
 “ essentially different. Of the present writer it is the temper neither pe-
 “ tulantly to court the one, nor weakly to shrink from the other. Your
 “ esteem I cannot hope to conciliate,—but I trust I shall be found entitled to
 “ a respect similar to that, with which I have the honor to be,

“ S I R,

“ Your most obedient,

“ And humble Servant,

“ THE AUTHOR.”

Having received the above letter, I cannot now allow myself to treat with any degree of asperity that part of the anonymous performance which the author has so positively stated to have proceeded from mistake or inadvertence. It is more agreeable to me to give confidence where it is asked, than to retain sentiments of displeasure, especially after an apology has been made, the sincerity of which I have no particular reason to doubt. But there is one inference which, in perfect good humour, and without any degree of harsh commentary, I may be allowed to make, even in the present state of the case: that since the anonymous author is himself sensible of the mistake he had com-

* For the sake of information, the unlettered reader, not possessing the advantages of scholarship and grammatical knowledge, wishes to have the merits of the preposition *from* explained to him, and to know, in what the grammatical precision and happy use of that preposition consists.

mitted,

mitted, which was accompanied with injurious assertions and insinuations, he ought seriously to reflect upon the *possibility* that in many other parts of his book, he may have been imposed upon or misled, by trusting too much to the assertions, conjectures, and fallacious reasonings of others. In short, he ought to have been more upon his guard against those reasonings of Mr. Williams to which he has attributed the name of acute reasonings, and with which he seems to have been much captivated. These admired papers of Mr. Williams were the result of much time bestowed by him; were composed with much labour and zeal; and, in some parts, with so much plausibility and subtilty, as to be apt to mislead those who were not well acquainted with the subject, or who were not sufficiently on their guard against the address employed in the composition of them. A good deal of time and attention, I confess, were necessary for unravelling various matters artfully blended together, and for pointing out the distinctions between authentic evidence, and rash assertions or unfounded conjectures. On this subject I am the more entitled to speak, from the recollection of the trouble it cost me to read over Mr. Williams's voluminous and elaborate papers, and to point out the errors and plausible fallacies in his statements.

These considerations, though they may serve to extenuate a little, never can be sufficient to vindicate the servile follower of Mr. Williams in all his facts and reasonings. It was his duty, especially before venturing an attack in any quarter, to have examined most carefully and strictly the ground on which he stood, and to have bestowed the time necessary for separating truth from falsehood, and for distinguishing between real and imaginary proofs. As he has not done so, he must take the consequences, and share in the shame and reproach incurred, by the copartnership which he seems to have entered into with Mr. Williams, and by his share in their joint endeavours to mislead the public.

But the anonymous author seems to have something further to answer for than his adulation and acting as an accomplice of Mr. Williams;—he is alone answerable for the manner of dressing up the materials furnished to him by that associate.

There

There are however in one page of his book some symptoms of candour, where he states what may probably be the opinion passed upon him and his book by one part of the world—that part which he supposes will be partial to me.

Page 159, 160. He expresses himself thus: “The respectability, Sir, of your character has procured you many friends, and, as I know, some ardent admirers; by these, but particularly by the latter, the whole strain and tendency of this letter will be deemed reprehensible: whatever may be said (they will observe) of my arguments, my mode of urging them is confident and pertinacious; my attempts at ridicule ill-timed and abortive; and, above all, the disrespect (as they will term it) is unjustifiable, with which I have treated a calm and candid adversary, under the ludicrous epithet of “Heir-apparent and Representative of the Cardinal de York.” As to my review of the book, I suspect it is to meet with equally little indulgence—the whole will, in like manner, be declared a malevolent, or, at least, a presumptuous invective.”

These anticipations have probably been suggested to the author, from the secret consciousness of having merited the character here given of himself. But, from the sketch which he has thus drawn of the judgment likely to be pronounced by one part of the public on him and his work, it is evident, that even that part of the public judgment has not been completely revealed to him. It may not be improper, therefore, that he should, for his future regulation in similar cases, have the benefit of knowing that judgment a little more fully; for which purpose it may be of some use to him to be made acquainted with the particulars of a report received from some very intelligent persons who had been prevailed upon to read his book from beginning to end, for the double purpose of guessing at the author, and for that of giving an opinion upon the merits or demerits of the performance.

The persons who took the trouble of that examination did not pretend that they could discover or guess at the author; but they concurred in this sentiment, that the author appeared to have fixed upon the style which must have been the most agreeable to his own genius and taste, being that

which indicated a *genuine malevolence of heart*, and a *peculiar invidiousness of disposition*; from this, they conceive, was derived the uniform strain of sarcastic irony, and of unprovoked *petulance* and *flippancy*, which had been adopted and persisted in from the first to the last page of his performance; and which was not restrained even when he had occasion to allude to a lady of the most respectable character, but who stands too high in the general estimation and respect of all who have had the happiness of knowing her, to be at all affected by the author's pedantic attempt at wit.

They acknowledged, that the writer seems to have a particular talent for the style of writing he has adopted; but they did not think it a talent to be envied, because it is a style not difficult to be attained by any person, who has no restraints either from benevolence of disposition, or urbanity of manners, or from a scrupulous regard to truth; when to these qualities there is added the advantage gained by the author's concealing his name, he must feel himself totally liberated from that attention to decorum which arises from an author's addressing the public in his own name, and he will think himself at liberty to vent his ill-humour or misanthropy against all persons without distinction, and upon all or any occasions indiscriminately.

If a guess may be formed of the author's favorite amusements or habitual occupations, we should be tempted to think, that, for the gratification of an unfortunate temper, he dedicates his leisure hours to the composition of ill-natured, sarcastical sentences or dissertations on different subjects, from which impure collection he may have it in his power at all times to let loose his malevolence in any direction he pleases; which can easily be accomplished by the help of a few connecting introductory suppositions, as has been practised in the present case: for if the author is allowed to assume facts, and to take them for granted, it will not be difficult for him to gain admission for his ready made sentences or declamations on particular topics. In fact, there is hardly any part or portion of the spleenetic performance in question, and of the classical learning displayed in it, but what might have been made equally applicable to any other person, or to any other occasion.

Concerning
the Genea-
logical Sketch
of the House
of Bonkyl.

Before concluding, it may perhaps be thought incumbent on me to take some notice of the genealogical sketch of the house of Bonkyl, which the anonymous author has placed at the end of his book. This sketch, having evidently cost him some trouble, seems to be viewed by him with particular partiality and fondness. (Vide pages 138 and 139.)

I shall not attempt to deprive the author of that apparent satisfaction; two reasons restrain me from it; the one is, that the greatest part of that genealogical tree relates to the pedigree of Mr. Stewart of Alanton, as descended from Sir Robert Stewart, sixth son of Sir John Stewart of Bonkyl. But as I am ignorant of all or any of the descendants from that Sir Robert Stewart, not having seen any of those documents which had been shewn to the anonymous writer, I do not choose to say any thing either for or against those asserted successors of Sir Robert Stewart, any further than to refer to what has already been stated as to the *non-existence* of a Robert, son of Sir John Stewart of Bonkyl; which, if admitted, must cut up by the roots this luxuriant and well-stocked tree, with all its ramifications.

The other reason for my allowing the anonymous author to remain at present in the undisturbed possession of his genealogical tree, is, that I am really tired of pursuing him through such a variety of erroneous statements and unfounded conjectures; and were I to set about correcting the various errors in that genealogical performance, such tedious and irksome occupation would be very ill suited to my present state of health. This is a circumstance very generally known, and most probably not unknown to the anonymous author himself.

THE END.

27

ERRATA

IN THE GENEALOGICAL HISTORY.

- Page 11. line 19. *for Ingeram read Ingelram*
 66. — 5. *for He read John de Hamilton*
 68. — 23. *for 1557 read 1357*
 145. — 12. *for Cancellarius Bajocen read Chancellor of the diocese of Bayeux*
 163. — 7. *after Robert add of Wynton*
 188. — 3. *from the bottom, after and add an exact copy of it*
 198. 199. 200. — *The head-line of these pages, for John Lord Derneley read Bernard Stuart of Aubigny*
 204. — 20. *for Brotius read Brutia (the Roman name of modern Calabria)*
 221. — 19. *for Earl of Arran read Lord Hamilton*
 241. — 5. *from the bottom, for reture read retire*
 243. — 23. *after Scotland add in the year 1655*
 243. — 26. *after Regent add who was slain in Linlithgow by Hamilton of Bothwellhaugh, in the month of January 1570*
 286. — 18. *dele after Charles to is in line 19. and instead read born at Rome, on 31st December 1720, died there without issue on 31st January 1788, N. S. and Henry, the youngest, born on 6th March 1725*
 352. last line, *for were read was*
-

ERRATA IN THE SUPPLEMENT.

- Page 62. line 3. *for lately read a little before*
 62. — 4. *for it read they*
 63. — 21. *after prisoner add my History*
 80. — 18. *for retired read removed*